

CITY OF NEW CARROLLTON



PERSONNEL, DRUG, & COMMUNICATION MEDIA POLICIES

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PERSONNEL POLICY

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1. INTRODUCTION:

It is the duty and obligation of any governing body to provide the best possible service to its constituents for the least possible expenditure of funds, and this is best accomplished by employing competent and dedicated personnel and providing them with the best possible benefits and productive work environment as can be afforded by the City. This manual enumerates these benefits and should be used as an outline of the basic personnel policies, practices, and procedures pertaining to employment with the City.

2. GENERAL PERSONNEL POLICY:

All City employees are subject to the jurisdiction of the personnel system and are subject to such rules and procedures as may be included within the scope of this policy or set forth by resolution of the Council. Department policies may be stricter than the City's general policies.

This policy or any part of this policy may be amended, changed or deleted. Each Employee shall be notified in writing or by posting of the changes in each City Department in a conspicuous place.

3. EMPLOYMENT PROBATIONARY PERIOD:

It is the policy of the City that all employees who do not have a written employment agreement with the City for a specific, fixed term of employment are subject to a ninety (90) day probationary period during which time they are subject to termination at any time, for any reason, not arbitrary or capricious with or without notice, and with or without cause.

4. EMPLOYMENT-AT-WILL:

It is the policy of the City that all employees who do not have a written employment contract with the City for a specific, fixed term of employment are employed at the will of the City for an indefinite period.

A. At-will employees are subject to termination at any time, for any reason, with or without cause or notice. At the same time, these employees may terminate their employment at any time and for any reason.

B. Supervisory and management personnel should not make any representations to employees or applicants concerning the terms or conditions of employment with the City that are not consistent with City policies. However, no Statements made in the pre-hire interviews or discussions, or in recruiting materials of any kind, alter the at-will nature of employment or imply that discharge will occur only "for cause".

C. At the time of hiring, employees are required to sign a written statement acknowledging that they are employed at the will of the City and are subject to termination at any time, for any reason, with or without notice, and with or without cause.

D. Completion of the ninety (90) day probationary period does not change an employee's status as an at-will employee or in any way restrict the City's right to terminate the employee or change the terms or conditions of employment.

E. Certified Police Officers employed by the City of New Carrollton are exempt from the At-Will employment Status. City Police Officers are governed under the State of Maryland's Law Enforcement Officers' Bill of Rights.

5. HIRING:

It is the policy of the City to provide equal opportunity in employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, religion, color, sex, sexual orientation, gender identity and expression, age, national origin, disability, genetics, military status or any other classifications prohibited by Federal, State or local laws. It is the policy of the City to hire individuals solely on the basis of their qualifications and ability to do the job to be filled.

6. JOB TRAINING AND PROMOTION:

It is the policy of the City to provide orientation programs for new employees and to conduct or support training programs that it determines to be appropriate.

It is the policy of the City to offer employees promotions to higher level positions when appropriate.

The City prefers to promote from within and may first consider current employees with the necessary qualification and skills to fill vacancies above entry level, unless outside recruitment is considered to be in the City's best interest. Length of service will be a factor in determining promotions.

7. EMPLOYEE CLASSIFICATIONS:

It is the policy of the City to classify employees as full-time, part-time, or temporary and as exempt or nonexempt for the purposes of compensation administration.

Employees generally may be categorized as follows:

- A. A full-time employee is an individual who works a normal forty (40) hour workweek and is hired for an indefinite period. A full-time employee may be classified as either exempt or nonexempt.
- B. A part-time employee is an individual who works less than a normal workweek and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt.
- C. A temporary employee generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt.

-and-

- D. A nonexempt employee generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and is typically paid on an hourly basis.

- E. An exempt employee is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees are typically paid on a salary basis. Exempt employees include administrative, executive, and professional employees, and certain highly-skilled computer professionals who can be compensated on an hourly basis, at a rate not less than a legally prescribed hourly rate, and still be considered exempt.

All non-exempt employees and hourly exempt employees are required to complete an individual time record showing daily hours worked.

Salaried exempt employees are not required to record their time and attendance on an incremental basis, with the exception of time taken for annual leave, sick leave or other types of leave for which the exempt employee qualifies.

8. HOURS OF WORK AND OVERTIME:

It is the policy of the City to establish time and duration of working hours as required by work load, residents' needs, the efficient management of human resources, and any applicable law.

- A. The normal workday for Public Works Department Personnel is seven (7:00) a.m. until three thirty (3:30) p.m. including an unpaid thirty (30) minute lunch break.
- B. The normal workday for Administrative Department Personnel is eight thirty (8:30) a.m. until five (5:00) p.m. including an unpaid thirty (30) minute lunch break.
- C. Police Department personnel shall work the hours scheduled by the Chief.
- D. The normal workweek for all full-time employees is forty (40) hours, Monday through Friday.

These are the hours expected to be worked under normal conditions but are not a guarantee of hours worked or paid. Any hours worked outside the normal workweek are considered voluntary unless approved in writing by the employee's department director.

Special working hours may be established by the Director of Public Works, Chief of Police and/or the City Administrative Officer for individual employees to extend service coverage or for other purposes providing that a memorandum outlining the hours to be worked, the reasons, and the names of the employees affected is filed with the Financial Officer.

A. Time and Attendance Records:

- 1) The time and attendance records of Administrative employees shall be maintained by the City Administrative Officer or their designee.
- 2) The time and attendance records of Public Works Department employees shall be recorded on time cards. All Department personnel, except the Director, will use the time clock to record their time of arrival and departure. The use of the clock shall not-be required for lunch breaks.

3) The time and attendance records of Police Department employees shall be maintained by the Chief of Police or their designee.

4) Supervisors must account for a forty (40) hour week on all full-time non-exempt employees in one of the six (6) following classifications:

- a. HOURS - Hours actually worked.
- b. ANNUAL LEAVE - (AL) - Approved absence.
- c. SICK LEAVE - (SL) - Approved absence.
- d. ABSENCE WITHOUT PAY - (AWOP) - Unexcused absence.
- e. LEAVE WITHOUT PAY - (LWOP) - Approved absence but with no pay or leave accrual.

B. Tardiness:

1) Employees are expected to report to work on or before the beginning hour designated and will not leave before the ending hour designated.

2) Occasional tardiness of not more than fifteen (15) minutes or tardiness due to unusual weather conditions of up to thirty (30) minutes may be excused by the Director of Public Works, Chief of Police, or the City Administrative Officer, or their designees, for their respective employees. In such cases they will indicate approval by initialing the record next to the late time.

3) Excessive tardiness may carry harsh penalties (See Discipline).

4) The Director of Public Works is the only person authorized to manually enter another employee's time. All other employees doing so are subject to immediate suspension or dismissal.

C. Overtime:

Overtime will be worked only when necessary and will be assigned on a volunteer basis if possible. If, however, the necessary overtime complement cannot be filled by volunteers, the supervisor may direct employees to work as necessary. An employee's refusal to work overtime when directed may result in the supervisor taking immediate disciplinary action.

Non-exempt employees working in excess of forty (40) hours per week will be paid at the rate of one and one half (1½) times their normal hourly rate for each hour worked over forty (40) hours in a week.

In accordance with the City's fourteen (14) day pay period policy, non-exempt, sworn Police Officers will earn overtime after working eighty (80) hours in a pay period. Overtime will be paid at the rate of one and one half (1 ½) times their normal hourly rate for each hour worked over eighty (80) hours in a fourteen (14) day pay period.

With the exception of appointed officials, exempt employees may receive compensatory time after working hours (i.e. participation in Council meetings, inclement weather, community events etc.) in excess of their normal work week, on an hour for hour basis.

D. Compensatory Time:

Exempt and non-exempt employees may be eligible for compensatory time off after working abnormally long hours, subject to the following provisions:

1. Compensatory time shall not be earned without prior written approval from the employee's immediate supervisor.
2. Compensatory time earned shall be reviewed at the end of each pay period by the Administrative Officer, Chief of Police and the Director of Public Works, as appropriate, and reported to the Financial Officer.
3. The employee may use accumulated compensatory time in the same manner as accumulated leave.
4. Payment for accumulated compensatory time shall not be made without approval by the Mayor; compensatory time may be transferred to Annual Leave or Sick Leave.
5. A maximum of thirty days compensatory time may be accumulated by administrative and public works personnel, and once this amount has been accumulated, the employee will cease to earn additional compensatory time until the use of such compensatory time reduces his/her accumulated balance to an amount below this maximum. For non-exempt (hourly) employees reaching this level, overtime pay requirements will be reinstated.
6. Public Safety personnel may accumulate a maximum of sixty days compensatory time, at which time the employee will cease to earn additional compensatory time until the use of such compensatory time reduces his/her accumulated balance to an amount below this maximum. For non-exempt employees reaching this level, overtime pay requirements will be reinstated.

E. Shift Differential:

The shift differential allows for extra compensation to nonexempt, sworn Police Officers who are scheduled on a regular, rotating or sporadic basis to work during the evening or night shift.

During the shift differential time period, officers will be compensated an additional one dollar per hour (\$1.00) for hours worked. Work performed outside of the shift differential timeframe will be paid at the employee's regular hourly rate. The shift

differential can be modified at anytime by the Chief of Police with Mayor's approval.

SPECIAL PROVISIONS:

A. Local governments may grant non-exempt employees compensatory time-off at the rate of not less than one and one-half hours for each hour of overtime in lieu of overtime cash compensation. This practice is permitted when the use of compensatory time-off is agreed to by the employer and the employee *before* the work is performed.

B. With the exception of sworn Police Officers, personnel required to work rotating shifts, exempt and non-exempt employees required to work on a Sunday, or on a day declared by the City Council to be a holiday for City employees, shall be compensated at one and one-half (1 ½) times their regular rate of pay, or with equivalent comp time as appropriate and as agreed by the employee (see special provision A, page 11), for all hours worked on such days. In the case of holidays, such compensation shall be in lieu of the normal holiday pay, but employees working less than eight hours on a holiday will receive normal holiday pay for eight hours plus compensation at the rate of one and one-half (1 ½) for hours worked.

9. SALARY ADMINISTRATION:

It is the policy of the City to pay compensation that is nondiscriminatory and competitive. The City has adopted an employee classification and step-raise system that insures periodic pay raises designed to reward employees for longevity and satisfactory performance and service. In addition, employees are eligible for meritorious bonuses based on periodic evaluations or the achievement of departmental goals as determined by the City Administrative Officer, Chief of Police, or Director of Public Works.

A. Employees are paid on a bi-weekly basis or 26 pay periods per year.

B. Employees can receive an advanced draw of up to 50 percent of their net pay at any time during a scheduled pay week, which must be repaid at the time of the next bi-weekly pay period. An employee can request an advanced draw only three times within the most recent six-month period.

10. HOLIDAYS:

A. The following days are established as official holidays for City employees:

1. NEW YEAR'S DAY
2. MARTIN LUTHER KING'S BIRTHDAY
3. PRESIDENT'S DAY
4. MEMORIAL DAY
5. INDEPENDENCE DAY
6. LABOR DAY

7. VETERAN'S DAY
8. THANKSGIVING DAY
9. THE DAY AFTER THANKSGIVING
10. CHRISTMAS DAY

The day of celebration for each of the aforementioned holidays shall coincide with the day officially prescribed as a holiday for Federal Government employees. Each full-time regular employee who worked the full scheduled workday before and the full scheduled workday after a holiday will be paid eight (8) hours at their straight time hourly rate. Scheduled workdays exclude any type of approved leave or time off. Permanent part time employees, as designated by the Mayor, will receive holiday pay on a pro-rata basis. The pay will be based on the employee's average number of part-time hours per week during the current year compared to full-time hours (40 hrs/wk).

Employees paid on a salary basis will receive their regular salary for any week in which there is a holiday on which they are not required to work.

If a holiday occurs during an employee's vacation, s/he will not be charged leave for that portion of their vacation.

B. If, in the case of an emergency, a crew should be called in before or after the regular working hours on a holiday, the regular working hours would be considered the holiday and compensated for as such. Additional hours worked should be compensated for at the rate of one and one-half times the regular rate of pay provided that the employee has recorded forty (40) hours of regular pay during the current week (annual and sick leave and holidays do not count as regular hours work).

C. Mayoral declared time-off: When the Mayor declares time-off or early dismissal for city employees; all regular employees will be compensated with paid-time-off. Police officers and other employees who are scheduled to work will receive compensatory time in-lieu of having time off from work.

11. EDUCATIONAL ASSISTANCE:

The City of New Carrollton shall provide educational assistance to its full-time employees for pre-approved tuition expenses if allocated in the fiscal budget. Enrollment in college level education is voluntary and must be completed on an employee's own personal time during non-working hours. Educational Assistance will be approved and reimbursed in accordance with the guidelines established below:

A. Eligibility

1. Full-time employees with a minimum of one year (1) of continuous service with the City are eligible to receive educational assistance.

B. Approved Courses

1. Eligible employees may be reimbursed for courses the City determines are directly related to the employee's current job or that will enhance the employee's potential for advancement to a position within the City and to which the employee has a reasonable expectation of advancing. Job required training will not be reimbursed through the educational assistance program.
2. Only courses completed at a college or university that is accredited by an accrediting agency recognized by the U.S. Department of Education are eligible for reimbursement.

C. Reimbursement Criteria

1. The City shall provide reimbursement for pre-approved tuition expenses not to exceed \$1,200.00 per fiscal year for eligible employees.
2. Tuition expenses will be reimbursed at half the cost of the University of Maryland University College in-state per-credit-hour rate.
3. Minimum Grade Requirements

Employees must earn the minimum grade requirements listed below in order to receive reimbursement:

- a. Undergraduate – "C"
- b. Graduate Courses – "B"
- c. Pass or Fail Courses – "Pass"

D. Pre-Approval Process

1. Employees must submit a completed Educational Assistance Pre-Approval Request Form to their Department Head through their direct supervisor no later than thirty (30) days prior to the start of the course. A copy of the course description must be accompanied with the Pre-Approval Request Form.
2. The Department Head or his/her designee will review the Educational Assistance Pre-Approval Form and make a decision within ten (10) business days of receipt of the form. Once a decision is made, the Department Head must forward the form and any attachments to Human Resources within three (3) business days for final approval or denial.
3. Employees will be notified of the decision prior to the course start date.
4. Employees will not be reimbursed for courses they begin prior to receiving approval.

E. Reimbursement Process

1. To receive reimbursement, employees must complete the Education and Tuition Reimbursement Application and submit an official grade report and proof of payment upon completion of the course.
2. Reimbursement requests must be submitted within sixty (60) days of completing the course.
3. All federal, state and local tax laws are applicable.

F. Termination

1. Employees who are terminated or voluntarily resign within one (1) year of receiving a reimbursement will be responsible for full repayment of the funds. Repayment of funds will be made through a payroll deduction of the employee's final paycheck.

G. Funding

1. Each fiscal year, the Educational Assistance Program will be reviewed and the City will determine the funding amount during annual budget preparations.
2. Requests for reimbursement meeting the eligibility criteria will be approved on a first-come, first-served basis, depending on the availability of funds.
3. Educational Assistance funds remaining at the end of the fiscal year will not rollover into the following fiscal year.

12. GROUP HOSPITALIZATION INSURANCE AND OTHER HEALTH BENEFITS:

A. Hospitalization

All full-time employees and part-time employees working 30 or more hours per week, shall be eligible for enrollment in the City's group hospitalization insurance plan upon successful completion of the initial ninety (90) day waiting period. Sworn Police officers are exempt from the waiting period. The City will contribute towards a portion of the health insurance premiums, which is subject to change at any time at the City's discretion; employees will be responsible for the remaining amount. Part-time employees working less than 30 hours a week are eligible to enroll in group hospitalization coverage at the group rate, at their own expense.

1. Employees electing coverage for eligible family members may do so upon becoming eligible themselves or when a qualifying life event occurs. The

additional cost of the family coverage shall be shared by the City and the employee. Employees may authorize the City to withhold such additional premiums for family coverage from their paycheck.

2. Retired employees may continue group hospitalization coverage at the group rate, at their own expense.

B. Other Health Benefits

1. Term Life Insurance. Employees are entitled to Life Insurance benefits equal to 1 x annual gross income. Those employees for whom the City cannot purchase the requisite amount of insurance due to age or other conditions relating to the employee, the City will augment insurance in an amount to ensure a total benefit payment of 1 x the annual salary of those employees.
2. Dental and Vision Plans
3. Employee Assistance Program.

13. LEAVE:

A. Annual Leave:

1. It is the policy of the City to grant annual leave with pay to full-time and permanent part-time employees in accordance with the guidelines established below.

B. Grant of Annual Leave:

1. Annual Leave must be applied for and approved in advance except in cases of emergency. The Administrative Officer is responsible for approving leave for City Administrative personnel; the Chief of Police is responsible for approving leave for Police personnel and the Public Works Director for approving leave for Public Works Department personnel. The Mayor shall approve leave for the City Administrative Officer, the Public Works Director, and the Chief of Police.
2. Requests for vacations should be submitted as far in advance as possible to avoid the possibility of disapproval due to conflicting requests. In no case shall requests for extended leave be submitted less than two weeks prior to the beginning of a vacation.
3. Annual Leave is to be granted, whenever possible, at the convenience of the employee, but this convenience must be subordinated to the requirements of the City, and a grant of leave may consequently be denied

if City work would suffer unduly. Vacations shall be scheduled in such a manner as to insure adequate conduct of the work of the City. Every effort shall be made to provide each employee with a vacation, provided s/he has sufficient leave to their credit. Supervisors shall make every effort to schedule and grant Annual Leave to the employees under their supervision so that no staff member is required to forfeit accumulated Annual Leave. In the event of conflicting requests of Annual Leave, the employee with the greatest length of service will receive preference.

4. Annual Leave shall be accumulated and/or used by an employee in units rounded off to the nearest half (½) hour.

C. Accrual of Annual Leave:

1. All full-time employees shall earn annual leave in accordance with the following schedule:

<u>YEARS OF SERVICE:</u>	<u>LEAVE:</u>
<u>0 to 3 years</u>	<u>10 days</u>
<u>3 to 10 years</u>	<u>15 days</u>
<u>10 to 20 years</u>	<u>20 days</u>
<u>Over 20 years</u>	<u>25 days</u>

2. All permanent part-time employees, as designated by the mayor, who work at least 20 hours per week (1,040 per year) are entitled to vacation on a pro-rata basis. The length of the vacation will be determined on the same basis as for full-time employees, but the pay will be based on the employee's average number of part-time hours per week during the vacation accrual year. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacations.
3. There shall be a three-month period of continuous service (beginning with Monday of the first full week of employment) during which Annual Leave is accrued, but may not be used. After three months this leave is credited retroactively for each full pay period since employment by the City. Leave without pay does not constitute a break in the three-month qualifying period.

D. Change in the Rate of Accrual of Annual Leave:

Any change in the rate of an employee's Annual Leave accrual shall take effect at the beginning of the pay period following the one in which such

employee completes the prescribed period of employment. If an employee leaves the service of the City and returns, s/he must start earning leave as a new employee unless an extended leave of absence has been granted to such employee.

E. Maximum Rollover of Annual Leave:

Employees may rollover a maximum of thirty (30) days of annual leave at the end of the fiscal year. Employees with a leave balance greater than 30 days on June 30th will forfeit all vacation leave in excess of 30 days.

F. Payment in Lieu of Annual Leave:

Payment in lieu of annual leave is to be permitted only in extreme and unusual circumstances. However, at the option of the City, and when it is advantageous to the City, Payment in Lieu of Annual Leave may be granted, but not to exceed two weeks. The City Administrative Officer, the Chief of Police, or the Director of Public Works, as appropriate, may approve payment in lieu of Annual Leave, provided the employee has the accrued leave on their record.

G. Lump-Sum Payment for Annual Leave:

An employee will be paid in a lump sum for the leave s/he has accumulated when s/he leaves the employment of the City, except that an employee terminated or leaving prior to the completion of three months of continuous service shall receive no payment for Annual Leave.

Survivors of deceased employees shall be entitled to receive remuneration for all accumulated Annual Leave of record at the time of employee's demise.

H. Sick Leave:

Sick Leave shall not be considered as Annual Leave, and abuse of the Sick Leave privilege may lead to dismissal. Designated supervisors will strictly enforce Sick Leave regulations and take appropriate action when abuse occurs.

1. Accrual of Sick Leave:

- a) All full-time employees will earn one (1) day of Sick Leave for each full calendar month of employment to be credited at the end of the month in which it is earned. There is no qualifying period for the use of Sick Leave.

- b) All permanent part-time employees as designated by the Mayor, who work at least 20 hours per week (1,040 per year), will earn Sick Leave on a pro-rata basis. Part-time employees working less than 20 hours per week and temporary employees do not receive sick leave.

2. Grant of Sick Leave:

Sick Leave shall be granted by designated supervisors when an employee is incapacitated for the performance of their duties from sickness, injury, pregnancy and confinement, or for medical, dental or optical examinations or treatment, or when a member of the immediate family of the employee has a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence of the employee would jeopardize the health of other employees or citizens of the City.

3. Application for Sick Leave:

An employee who is sick shall be responsible for notifying their supervisor prior to the start of the regular work day if they will be absent and must provide an expected date of return. If it is impossible to estimate the date of return when reporting an absence covered by sick leave, it is the employee's responsibility to provide such an estimate without delay when a forecast is possible. Requests for Sick Leave for medical, dental, or optical examinations shall be submitted for approval at least 48 hours in advance except in emergency situations.

4. Supporting Evidence:

Where absence exceeds two days work, it must be supported by a medical certificate, or in lieu thereof a statement, signed by the employee, stating the reasons why they did not have a physician. This applies for sick leave for an employee to care for a member of their immediate family having a disease requiring isolation, quarantine, or restriction of movement of the patient. Supervisors shall determine whether the statement of the employee in lieu of a medical certificate shall be considered sufficient evidence to support the request for sick leave. With the exception of employees on an absence covered by the Family Medical Leave Act, employees without adequate sick leave that are absent for one or more days will be required to furnish a doctor's note upon return. Employees that fail to provide proper documentation will be subject to disciplinary action.

5. Sickness During Annual Leave:

When sickness occurs while an employee is on Annual Leave, the period of illness may be charged as Sick Leave, subject to the provisions above. In such cases a medical certificate must be submitted and the supervisor must approve. Dental, physical or optical examinations requiring a total of less than one day and occurring during a time when an employee is on Annual Leave shall not be converted to Sick Leave.

6. Advance of Sick Leave:

In cases of extended illness, an employee may, upon written request, be granted up to ten (10) days advance Sick Leave at the discretion of the Mayor, after earned Sick Leave and Annual Leave have been exhausted.

7. Accumulated Sick Leave:

There shall be no maximum sick leave accumulation. Employees may use unused sick leave towards their pension service calculations once they become eligible for retirement.

8. Charges of Sick Leave:

- a. The minimum charge for Sick Leave shall be one hour; additional charges shall be in multiples thereof.
- b. Leave shall be charged only for absences on days on which an employee would otherwise work and receive pay, and shall be exclusive of holidays and all non-workdays established by the City Council.

I. Family Medical Leave Act (FMLA):

We are covered by the federal Family and Medical Leave Act (the "FMLA") and will comply with the requirements of the Act. Under the provisions of the FMLA, eligible employees are entitled to take a leave for the following reasons:

A. Parental Leave:

Birth of a child or in order to care for a child (must be taken within twelve months of the birth); The adoption or foster care of a child (must be taken within twelve months of the adoption or placement in foster care).

B. Medical Leave:

The need to care for an employee's spouse, son, daughter, or parent who has a serious health condition; or the employee's own serious health

condition. Children must be either under the age of eighteen or older and "incapable of self-care" because of a mental or physical disability.

An employee is entitled to a total of twelve weeks of FMLA-covered leave within a rolling twelve month period, measured backward from the date of the most recent request for a covered leave of absence. This means that each time an employee requests a leave under the provisions of this policy, the available time for a leave of absence will be the balance of the total twelve weeks that has not been used during the twelve month period immediately preceding the commencement of leave.

ELIGIBILITY:

To be eligible for leave, an employee must have been employed for at least twelve months and have worked for at least 1,250 hours during the twelve-month period immediately preceding the commencement of leave. The twelve months need not be consecutive; however, employment prior to a continuous break in service of 7 years or more will not be counted unless the break is due to an employee's fulfillment of military obligations or governed by a collective bargaining agreement or other written contract.

Employees may be eligible for additional leave if he/she is a spouse, son, daughter, parent or next of kin of a current member of the Armed Forces, including members of the National Guard or Reserves, with a serious injury or illness. Employees may take up to twenty-six weeks of leave in a single twelve-month period to care for the service member. This leave is not in addition to the twelve weeks available for other FMLA reasons.

SERIOUS HEALTH CONDITION:

Serious health condition means an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider, which prevents an employee or family member from performing the functions of their job. Please contact your immediate supervisor if you have any questions regarding what qualifies as a serious health condition.

NOTICE REQUIREMENTS:

Anyone requesting a leave of absence under this policy should see his/her supervisor and complete the proper leave request form. Where the need for leave is known in advance, the request must be submitted at least thirty days prior to the desired beginning of the leave of absence. Failure to give at least thirty days' notice of foreseeable need for a leave of absence may delay the start of such leave until thirty days after the date the notice is

received by the organization. If the request is less than thirty days, the employee may be required to give an explanation of why advance notice was not feasible. If timely notice is not given, the period of delay counts as a non-FMLA absence. If the need for a leave is not foreseeable or is an emergency situation, the employee must provide at least verbal notification to their immediate supervisor as soon as possible and must follow our call-in procedures. Employees must supply sufficient information to enable City of New Carrollton to determine if the leave qualifies for FMLA and the duration and timing of the leave.

CERTIFICATION OF THE NEED FOR LEAVE:

Any employee who needs to have an FMLA-covered Medical Leave of Absence must present certification of the need for a leave of absence along with the leave request form. This certification must be provided within fifteen days of the request unless it is not feasible under the circumstances. The Human Resources Department has forms available for an employee to have completed by their health-care provider. Failure to provide certification may result in the employee's leave being delayed, denied, or revoked. Note: We reserve the right to a second or third medical certification at our expense.

We also reserve the right to require recertification of the continuance of a serious health condition every six months. Recertification may also be required if:

1. An employee requests an extension of leave;
2. Circumstances described by the original certification have changed significantly;
3. We receive information that casts doubt upon the continuing validity of the certification; or
4. An employee is unable to return to work because of the continuation, recurrence, or on-set of a serious health condition.

INTERMITTENT LEAVE:

Generally, FMLA leave must be taken in a single block. Under certain circumstances, however, FMLA leave may be taken on an intermittent or reduced work schedule basis. A Parental Leave of Absence may be taken intermittently or on a reduced work schedule basis if the employee and the organization can agree on the schedule requested by the employee.

A Medical Leave of Absence may be taken intermittently or on a reduced work schedule basis if the requesting employee produces the required certification that there is a medical need for a leave of absence and that the medical need is best accommodated through an intermittent leave or

reduced work schedule. NOTE: City of New Carrollton reserves the right to require a second or third medical opinion in appropriate cases where authorized to do so by the FMLA.

If medical leave is requested on an intermittent or reduced work schedule basis, the organization may, at the discretion of management, transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Any such transfer will be to a job that offers pay and benefits that are equivalent to those available in the employee's regular job. Employees on unforeseeable intermittent leave will not be required to transfer to an alternative job.

A fitness for duty certification can be required every thirty days in the case of intermittent or reduced schedule leaves if reasonable safety concerns exist. The employee has fifteen days to provide this certification.

FMLA LEAVE IS UNPAID LEAVE:

Employees on approved FMLA leave of absence will be required to use any earned, unused vacation days during the approved leave of absence unless the leave is for the employee's own serious health condition. Employees must follow the same terms and conditions of our leave policy as those employees not on FMLA. City of New Carrollton and employee may mutually agree to supplement worker's compensation or other disability benefits with any other form of paid time off benefits the employee may be entitled to, if state law permits.

SPOUSE AGGREGATION:

In the case where both an employee and his/her spouse are employed by City of New Carrollton, the aggregate number of weeks to which both employees are entitled because of the birth or placement of a child or to care for a parent with a serious health condition will be limited to twelve workweeks during any twelve month period. This limitation does not apply in instances where leave is taken because of an employee's own serious health condition or to care for a spouse or child with a serious health condition.

HEALTH INSURANCE:

An employee away from work due to FMLA leave may continue medical insurance coverage while on leave by timely payment of his/her portion of the monthly insurance premium on the same day such payment would be required if payment were made by payroll deduction. Where the need for

family leave of absence is foreseeable, the employee will be asked to sign an agreement before the leave of absence begins that:

-- Discloses the amount that the employee must remit on a timely basis to retain the coverage; and

-- Indicates that the employee understands his/her insurance premium payment obligations.

If the FMLA leave is not foreseeable, this agreement must be signed as soon as possible after the leave begins. An employee's failure to pay premiums within thirty days of the due date for such premiums will result in the loss of his/her insurance coverage. If an employee does not return to work at the end of an approved FMLA leave, he/she may be required to repay the organization for the insurance premiums it paid.

PERFECT ATTENDANCE AWARDS

Employees on FMLA are not eligible for perfect attendance awards during the covered period.

--Policy for Maryland--

Maryland provides 12 weeks of leave for birth, adoption, or family illness for state employees.

J. Military Family Leave

Our organization complies with the Military Family Leave entitlements under the Family and Medical Leave Act (FMLA). Eligibility requirements are identical to those required under FMLA:

- Employee must have completed twelve months of employment. Employment need not be consecutive; however employment prior to a continuous break in service of 7 years or more will not be counted unless the break is due of employee's fulfillment of military obligations;
- Employee must have worked for 1,250 hours over the previous 12 months;
- Employer must have 50 employees within 75 miles.

1. Exigency Leave

Eligible employees with a spouse, son, daughter, or parent on active duty or call to duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies. Employees may not take leave if the family member is in the regular Armed Forces. The call to duty must be federal,

not state.

Qualifying exigencies include any one or more of the following non-medical, non-routine activities:

1. Short-term notice deployment activities
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling activities
6. Rest and recuperation activities
7. Post-deployment activities, and/or
8. Additional activities as mutually agreed upon between employee and the organization.

2. Military Caregiver Leave

Military Caregiver Leave permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12 month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list. Caregiver may be a spouse, son, daughter, parent or next of kin of the covered service member.

3. Employee Notice

Employees must provide 30 days advance notice of the need to take Military Caregiver Leave. If leave is foreseeable but 30 days' notice is not possible, the employee must provide notice as soon as possible - generally, either the same or next business day. The employee must provide notice of the need for foreseeable due to a qualifying exigency as soon as feasible.

4. Certification

The same timing requirements for certification apply to all requests for FMLA Leave, including those for military leave. Spouses employed by the same employer are limited to a combined total of 26 workweeks in a single 12 month period if the leave is to care for a covered servicemember with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

FMLA Leave may be taken intermittently whenever medically necessary to care for a covered servicemember. FMLA may also be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations.

K. Emergency Leave:

1. Emergency Leave is defined as a death (or impending death) in the immediate family. *Immediate family is defined as: the employee's spouse, children, step-children, parents, grandparents, brothers or sisters, spouse's parents and grandparents, and any member of the employee's household.*
2. Full-time and permanent part-time employees may be granted up to three days emergency leave with pay. Emergency leave will be granted upon the recommendation of the employee's supervisor. Permanent part-time employees will receive pay on a pro-rata basis.

L. Administrative Leave:

Administrative leave may be granted to any full-time or permanent part-time employee, as designated by the Mayor, by the Director of Public Works, the Chief of Police, or the City Administrative Officer for any one (1) of the followings reasons:

- a) Performance of jury duty.
- b) Subpoenaed court appearance.
- c) For the purpose of voting, not to exceed two (2) hours.
- d) For attendance in an official capacity as a representative of the City.
- e) For the purpose of taking educational courses related to the employee's work.

M. Inclement Weather:

During severe weather related events, the City of New Carrollton follows the operating procedures of Prince George's County Government. When Prince George's County announces its government offices will be closed due to inclement weather conditions, the City of New Carrollton will be closed. If the County announces an early dismissal or late arrival, the City will follow the County's operating procedures. All full-time non essential employees will be compensated for time off during a weather related closing.

Employees deemed essential must report to work on time regardless of weather conditions. Non exempt essential employees required to work will receive eight (8) hours of administrative pay and pay equivalent to one and one half (1 ½) times their salary for hours worked. Exempt employees will receive compensatory time for hours worked. Please check with your immediate supervisor to determine your non-essential/essential status.

If Prince George's County Government remains open during inclement weather, the Mayor may declare the operating status for the City of New Carrollton. Employees will immediately be notified by their department head or direct supervisor.

Updates on the operating status for Prince George's County can be found on your local news/radio broadcast, or you may visit <http://www.princegeorgescountymd.gov>.

N. Liberal Leave:

Under certain emergency conditions, The City of New Carrollton may declare liberal leave for its non-emergency essential employees. Such determinations coincide when the Prince George's County Government (non-school related) declares liberal leave for their employees. During liberal leave declarations, the employee is responsible for using their own best judgment as to the conditions where they live or where they need to travel.

The following conditions apply when liberal leave is in effect:

1. Non-emergency essential employees are allowed to be absent for a portion of a workday or the entire workday and are charged paid leave (i.e., annual or compensatory) or leave without pay, as appropriate, for the period of absence. Employees must notify their supervisors, they intend to take liberal leave. The employee is not allowed to leave a voicemail. The employee must talk directly with their supervisor.
2. Non-emergency essential employees who do not report to work under a liberal leave determination will not be penalized for unapproved absence. The employee will be charged with leave without pay.
3. Non-emergency essential employees arriving late under a liberal leave determination will not be penalized for tardiness, but will be charged paid leave or leave without pay, at their supervisors

discretion, for the period between the regular starting time and their arrival.

4. If liberal leave is announced during the workday, non-emergency essential employees will be permitted to leave the work site, at their discretion **after apprising their supervisors.** Employees will be charged paid leave or leave without pay, as appropriate, for the period between their departure and the end of their regular workday.

5. IMPORTANT INFORMATION:

- a) Liberal leave determinations do not apply to emergency essential employees. Emergency essential employees are required to report for work when liberal leave is declared, unless they are specifically excused by their supervisors.
- b) Employees may not use sick leave for a liberal leave absence unless the absence meets the criteria for sick leave in the City's Personnel Policy (i.e., illness or disability of the employee; death, illness or disability of a member of the employee's immediate family; following the birth of the employee's child; or for a medical appointment of the employee or a member of the employee's immediate family).

O. Unpaid Leave

The City recognizes there may certain circumstances where an employee may need to request leave without pay due to the exhaustion of vacation and/or sick leave. Employees requesting unpaid leave must submit a leave request form along with supporting documentation to their direct supervisor prior to the commencement of the unpaid leave. Any unpaid leave taken that is not approved will be considered and Absence Without Official Leave (AWOL) and will be subject to disciplinary action.

P. Workman's Compensation

In the event of a work-related injury requiring time off, the 3-day benefit waiting period will be compensated for by use of the employee's accumulated Sick Leave. Annual and Sick Leave benefits will continue to accumulate during the period that the employee is unable to work.

14. INSPECTION:

All lunch baskets and parcels to be taken out of the place of work are subject to inspection. Lockers are subject to inspection at any time without prior notice. All employees are to enter and leave by the designated entrance or exit.

15. GARNISHMENT:

The City shall cooperate with creditors and collection agencies only to the extent required by applicable State or County Law.

16. DISCRIMINATION:

- A. Equal treatment will be given to all applicants for employment and to all employees. This treatment will apply to hiring, work assignments, rates of pay, promotions, and layoff and recall procedures.
- B. All applicable Federal, State, and County laws will be adhered to in carrying out a City non-discrimination policy.
- C. Any grievance action related to an allegation of discriminatory action shall follow the procedure established in the Grievance Procedure Policy, Appendix A.

17. DISCIPLINE AND GRIEVANCES:

It is the policy of the City that all employees of the City are expected to comply with the City's standards of behavior and performance and that any noncompliance with these standards must be corrected.

Under normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline as it sees fit. **This policy does not modify the status of employees as employees-at-will or in any way restrict the City's right to bypass the disciplinary procedures outlined below.**

A. Discipline:

- 1. It is important that everyone treats each other with the appropriate consideration and respect. There may be no misunderstanding about satisfactory conduct; the City has adopted a number of rules and disciplinary actions for violations.
- 2. When disciplinary action becomes necessary, the attached table of offenses and penalties may be used as a general guide in order to assure that comparable action is taken in comparable cases throughout the City. Penalties for disciplinary offenses usually will fall within the ranges

indicated, but in unusual circumstances greater or lesser penalties may be applied unless otherwise provided by law.

3. For determining the disciplinary action to be taken in a specific case, consideration will be given to the record of the employee and when there is a repetition of offenses, to the interval between offenses.
4. When an employee has committed a combination or series of different offenses, a greater penalty than is listed for a single offense should be considered.
5. The list of offenses is not meant to be all inclusive. For offenses not listed, penalties may be imposed which are consistent with penalties listed in the table for offenses of comparable gravity.
6. Any employee against whom some type of disciplinary action has been taken may appeal that action according to the procedures provided in the Employee Grievances Policy. A supervisor imposing some type of disciplinary action upon an employee shall advise the employee of their right to appeal as set forth in the grievance procedures which are hereto attached and made a part of this policy as Appendix A.

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Table_1: Offenses & Penalties

<u>OFFENSES</u>	<u>PENALTIES</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
Unauthorized absence on any scheduled day of work.	Oral admonishment to 3 days suspension.	Written reprimand to 5 days suspension.	5 days suspension to removal.
Unwarranted absence from the job during work hours.	Oral admonishment to 1suspension	Written reprimand to 5 days suspension.	5 days suspension to removal.
Recurring or unwarranted tardiness.	Oral admonishment to 1suspension.	Written reprimand to 5 days suspension.	5 days suspension to removal.
Improper use of Sick Leave.	Written reprimand to 10 days suspension.	10 days suspension to removal.	Removal.
Intoxication: a. Reporting for duty or being on duty while under the influence of intoxicating liquor.	3 days suspension to removal.	Removal.	
b. Excessive use of intoxicant while off duty with disreputable effects.	Written reprimand to 15 days suspension.	5 days suspension to removal.	Removal.
c. Selling intoxicating liquors on city premises.	Removal.		
d. Unwarranted possession or use of intoxicating liquors on city premises.	3 days suspension to removal.	Removal.	
Promotion of gambling or lotteries on City properties or while in duty.	5 days suspension to removal.	Removal.	
Gambling on city premises or while in duty status.	Written reprimand to removal.	5 days suspension to removal.	Removal.

Lending and borrowing: a. Borrowing money or obtaining co-signature from subordinates.	Written reprimand to removal.	Removal.	
b. Lending of money to other employees at usurious rates of interest.	15 days suspension to removal.	Removal.	
Creating a disturbance which tends to affect production or is embarrassing to the City.	Written reprimand to removal.	3 days suspension to removal.	Removal.
Conduct which violates common decency or morality or use of improper or obscene language.	Written reprimand to removal.	30 days suspension to removal.	Removal.
Making false, vicious, or malicious statements concerning another officer or employee of the Government.	Written reprimand to removal.	5 days suspension to removal.	Removal.
Insubordination (refusal to obey orders, non-cooperation, insolence and like behavior.	Written reprimand to removal.	5 days suspension to removal.	Removal.
Negligent or intentional injury to property or person of other employee.	5 days suspension to removal.	Removal.	
Safety: Non-Motor Vehicle: a. Failure to report accident or injury.	Oral admonishment to 3 days suspension.	Written reprimand to 10 days suspension.	5 days suspension to removal.
b. Violation of safety regulations, instructions, or prescribed safe practices.	Oral admonishment to removal	Written reprimand to removal.	5 days suspension to removal.
Safety: City Motor Vehicle Operation: a. Failure to report accident or injury.	Written reprimand to 10 days suspension.	5 days suspension to removal.	Removal.
b. Violation of traffic laws, safety regulations or instructions, or safe driving practices.	Written reprimand to removal.	3 days suspension to removal.	Removal.
Government property: Unauthorized use, willful or negligent damage or defacement.	Written reprimand to removal.	Removal.	

Use of or authorizing the use of city motor vehicles for other than official purposes.	30 days suspension (mandatory) to removal	Removal.	
Negligence or careless workmanship in performance of duty resulting in waste of public funds or inefficiency.	Oral admonishment to 5 days suspension.	1-5 days suspension.	5 days suspension to removal.
Use of City funds, property, personnel, or other resources for purposes not authorized.	5 days suspension to removal.	Removal	
Unhygienic practices which annoy or jeopardize the health of others.	Oral admonishment to 1 day suspension.	1-5 days suspension.	5 days suspension to removal.
Conducting personal affairs while on duty status.	Oral admonishment to removal.	Written reprimand to removal.	5 days suspension to removal.
Loafing, willful idleness, wasting time, etc.	Oral admonishment to 3 days suspension.	Written reprimand to removal.	5 days suspension to removal.
Sleeping on duty: Where safety of persons or property is not endangered.	Written reprimand to 5 days suspension.	5 days suspension to removal.	Removal.
Where safety of persons or property is endangered.	5 days suspension to removal.	Removal.	
Failure or excessive delay in carrying out orders or assignments.	Oral admonishment to 3 days suspension.	3 days suspension to removal.	Removal.
Improper use of City credit card(s) or credit.	5 days suspension to removal.	10 days suspension to removal.	15 days suspension to removal.

18. LAYOFF AND RECALL:

Regular work will be provided so far as practical. This is to the advantage of the City as well as to the employees.

- A. No layoffs are contemplated as it has been generally concluded that City work forces have been able to do work of at least comparable quality and at a lesser cost than the same tasks can be done by contract basis. If at some future date, however, it should be determined that some service now performed by the City can be performed more economically by contract, it is conceivable that an entire task force may be in jeopardy of layoff.
- B. If such should be the case, employees will be laid off on a combination of the following bases:
 - a. Productivity Record.
 - b. Skill, Ability and Physical Fitness.
 - c. Attendance and Tardiness Record.
 - d. Length of Service. When other factors are equal, length of service will prevail.
- C. An employee laid off from their job classification will have bumping rights to a job classification where they have more length of service than another employee provided they previously held the job on a full time basis and are still physically able to qualify for the job.
- D. An employee who elects to take a layoff instead of bumping will be recalled only to the job classification from which s/he was laid off.
- E. The City will not hire a new employee if a laid-off employee qualified to fill the vacancy is available and will accept recall to that position within ten (10) calendar days.
- F. Employees will be called back in reverse order of their layoff.
- G. Any employee who declines recall to their regular job will be considered to have quit.

19. PENSION:

All full-time permanent and part-time permanent employees, as designated by the Mayor, shall be required to participate in the City's contributory Maryland State Retirement System. The City also offers a voluntary, noncontributory 457 B plan (Govt. 401K plan) to eligible employees. This plan includes a loan benefit of up to 50% of the plan's cash value.

20. RETIREMENT:

The City's Retirement Policy is a stand-alone document contained under a separate cover (See: State Retirement and Pension System of Maryland, Benefits handbook, July, 2011).

21. ARMED FORCES:

An employee who returns from service in the armed forces of the United States of America will be re-employed in accordance with whatever law or laws are in effect and which apply to their case. Their re-employment shall be at a pay scale no less than that earned in their last City position.

An employee who is a member of a reserve military organization of the United States of America, or of the National Guard, and who attends a regular meeting at a regular military training camp, will be given necessary time off for such training which will be considered leave without pay.

- A. The Director of Public Works, Chief of Police or the City Administrator has authority to grant a leave of absence to an employee to allow attendance at a military service training camp for not more than fifteen (15) days.
- B. The Mayor shall approve leave of absence for military service training in excess of fifteen (15) days.

22. TRAVEL:

It is the policy of the City that business travel must be approved in advance and should be engaged in and reimbursed according to the following guidelines:

- A. Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor. Under the IRS Code, you must be away from home, overnight rule to be considered in a Travel Status. Reimbursable expenses when in a Travel Status include transportation, meals, lodging and limited incidental expenses for the employee/official only. When in a Non-Travel Status, not overnight, (day travel) reimbursable expenses include transportation (parking, mileage, mode of travel).
- B. Travel related meal reimbursements for employees/officials shall be established using the IRS current fiscal year Per Diem rates. Employee meal reimbursements must state the purpose of the meal, name of attendees, and have a supervisor's signature on the receipt.
- C. Employees may obtain a cash advance for approved business travel by submitting a written request, signed by a supervisor, to the City Financial Officer.
- D. Employees who use their personal vehicles for approved business purposes will receive a mileage allowance equal to the General Services Administration Federal

Travel Regulation automobile mileage reimbursement allowance for the use. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance.

23. PERSONAL APPEARANCE OF EMPLOYEES:

It is the policy of the City that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

A. Any employees who have regular contact with residents and the general public must comply with the following personal appearance standards:

1. Employees are expected to dress in a manner that is normally acceptable in business establishments. Employees must not wear suggestive attire, jeans, athletic clothing, shorts, sandals, T-shirts, baseball caps, and similar items of casual attire that do not present a businesslike appearance.
2. Hair should be clean, combed, and neatly arranged.
3. Sideburns, beards and moustaches should be neatly trimmed.
4. Tattoos and body piercing (other than earrings) should not be visible.

B. Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and businesslike as working conditions permit.

APPENDIX A: GRIEVANCE PROCEDURES

1. POLICY:

It is the policy of the City that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The City will attempt to resolve promptly all disputes that are appropriate for handling under this policy, such as alleged discrimination, work assignments, co-worker relations, working conditions, and problems related directly or indirectly to salaries, hours of work, classification or performance ratings. Complaints of misconduct, the investigation thereof and any resulting disciplinary actions regarding sworn police officers will be conducted in accordance with the Law Enforcement Officers Bill of Rights, Maryland Public Safety Article Title 3, Subsection 1, will not be a subject for this grievance procedure.

2. GUIDING PRINCIPLES:

- A. Each grievance shall be handled in a fair and impartial manner.
- B. Each grievance shall be settled as quickly and at as low a level as possible.
- C. The authority and responsibility of the Department Head is not to be interfered with.
- D. The employee is given full opportunity to be heard. To correct, if possible, the cause of the grievance to prevent future similar complaints.
- E. To provide for the development of a two-way system of communication by making it possible for all levels of supervision to hear such problems, complaints and questions raised by employees.
- F. To assure fair and equitable treatment of all employees.

3. DEFINITIONS:

The following terms as used in this policy shall have the meanings hereinafter set forth:

EMPLOYEE: Any paid person in the employ of the City of New Carrollton regardless of status.

IMMEDIATE SUPERVISOR: The person who assigns, reviews, or directs the work of an employee.

DEPARTMENT HEAD: The officer or employee having charge of the administration of a function of New Carrollton City government, including the authority to appoint or remove persons from positions in the city's service.

REPRESENTATIVE: A person who appears on behalf of the employee or employer.

COUNCIL: The City Council of New Carrollton, Maryland.

4. PROCEDURES:

- A. The employee presents their grievance personally or in writing to their immediate supervisor within five (5) working days of the occurrence or knowledge of the occurrence. The immediate supervisor will give the employee an opportunity to discuss the matter fully and respond within three (3) working days following the discussion.
- B. If the problem is not settled at this level, the employee or a representative shall submit their grievance in writing to their Department Head within three (3) working days following the immediate supervisor's response. The Department Head will meet with the aggrieved employee within five (5) working days.
- C. The written grievance must set forth their specific complaint and all the related facts. The Department Head will allow for full discussion of the grievance; and if s/he rejects it, s/he shall give to the employee or their representative the reason or reasons in writing within ten (10) working days after receipt of the grievance. A copy of both the grievance and the decision will be forwarded to the Human Resources Department.
- D. If the grievance remains, the employee or their designated representative will have five (5) additional working days to submit the grievance and request an appointment with the Mayor. At this meeting, the aggrieved employee, their representative, a City Human Resources Representative and if the employee so desires, the Department Head shall be present. The Mayor shall carefully weigh the evidence presented and shall require the presentation of any additional information which s/he feel is necessary for a complete understanding of the full problem. The Mayor shall within then (10) working days of their personal receipt of the appeal and interview, present their decision in writing which shall be final and binding upon both parties on all grievances.

5. CITY RIGHTS:

It is the exclusive right of the City to determine the mission of each of its constituent departments, set standards of service to be offered to the public, and exercise control and discretion over its control and operations. It is also the exclusive right of the City to direct its employees, take disciplinary action for proper cause, relieve its employees from duty because of lack of work or for other legitimate reasons, and determine the methods, means, and personnel by which the City's operations are to

be conducted; provided, however, that the exercise of such rights does not prohibit employees from conferring or raising grievances about the practical consequences that decisions on these matters may have on wages, hours, and other terms and conditions of employment.

6. SAVING CLAUSE:

If any provision of this policy is declared by the proper legislative or judicial authority to be unlawful or unenforceable or is found to be in conflict with any state law, the City Charter, or Ordinance, such provision shall be null and void; however, all other provisions of this policy shall remain in full force and effect.

ANTI-HARASSMENT POLICY

POLICY

It is the policy of the City of New Carrollton to provide equal employment opportunity to all employees and applicants. This means that all employment decisions, including hiring, placement, discipline, promotion, leave of absence, job assignment, compensation, transfer, layoff, recall, and termination and access to benefits and training, are made without regard to race, color, creed, religion, sex, sexual orientation, gender identity and expression, genetics, alienage, citizenship status, marital status, status as a Vietnam era veteran, national origin, age, handicap, disability, or any other characteristic protected by federal, state, and/or local law.

A. EQUAL EMPLOYMENT OPPORTUNITY:

Equal employment opportunity also encompasses City of New Carrollton's commitment to maintaining a work environment that is free of unlawful discrimination and harassment. In furtherance of this commitment, employees are not to display or electronically send pictures, cartoons, posters, e-mail, or jokes that may reasonably be deemed offensive because of race, color, religion, sex, sexual orientation, gender identity and expression, genetics, alienage, citizenship status, marital status, status as a Vietnam era veteran, national origin, age, handicap, disability or any other characteristic protected by federal, state, and/or local law. Similarly, employees are not to make comments, jokes, epithets, pranks, innuendos, gestures, touchings, nor to engage in any other form of conduct, that may reasonably be deemed offensive because of race, color, religion, sex, sexual orientation, alienage, citizenship status, marital status, status as a Vietnam era veteran, national origin, age, handicap, disability or any other characteristic protected by federal, state, and/or local law.

B. SEXUAL HARASSMENT

Sexual harassment is a form of unlawful harassment that is based on an individual's sex or is of a sexual nature. It includes, but is not limited to, the types of prohibited harassment identified above, as well as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct. Such conduct constitutes sexual harassment when any of the following occur or are present: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submitting to or rejection of such conduct is used as the basis for employment decisions; and/or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. All unlawful harassment, including sexual harassment, is strictly prohibited.

The prohibitions above include discrimination and harassment in *any* workplace context, including conferences, meetings, social events, and work-related activities and trips.

These prohibitions include unlawful harassment and discrimination from or towards managers, co-workers and other employees as well as non-employees with whom City of New Carrollton has a business or professional relationship, including but not limited to vendors, visitors, customers, clients, etc..

If you believe that you have been subjected to or witnessed offensive, hostile or any other conduct in violation of this policy, or if you believe that you have been subjected to unlawful discrimination in the terms or conditions of your employment, you must immediately report the matter as follows:

C. REPORTING COMPLAINTS OF DISCRIMINATION OR HARASSMENT

City of New Carrollton encourages and expects every employee to report incidents of discrimination or harassment, whether they are directly involved or are merely a witness. If any employee believes that he or she is being discriminated against or harassed or has been subjected to discrimination or harassment by a coworker, supervisor, manager or other individual at the workplace, or believes that his or her employment is being or has been adversely affected by such conduct, or believes that he or she has witnessed such conduct, the employee should report the concerns (orally or in writing) IMMEDIATELY to his or her supervisor, manager, next level manager, another manager, or the Human Resources department.

Once the matter has been reported, a prompt investigation will be conducted and, to the extent that it does not compromise the integrity of the investigation, confidentiality will be maintained concerning the allegations. Should the investigation establish that an individual has engaged in conduct prohibited under this Policy, disciplinary action warranted by the results of the investigation will be taken against the offending employee(s). To be clear, any employee found to be engaging in conduct prohibited under this Policy will be subject to discipline.

Employees who fail to cooperate with an investigation, or who knowingly provide false information in connection with a complaint or an investigation, will be subject to discipline as well.

D. PROHIBITION AGAINST RETALIATION

City of New Carrollton prohibits and will not tolerate any form of retaliation against an employee who has filed a complaint in good faith or an employee who, in good faith, has cooperated or participated in an investigation of a complaint. If you have filed a complaint, or have participated in an investigation, and believe that you are being or have been retaliated against, you **MUST** immediately report this matter to one of the persons mentioned above in the sub-section titled “Reporting Complaints of Discrimination or Harassment.”

If you believe that you have been subjected to discrimination because of your race, color, religion, sex, sexual orientation, gender identity and expression, genetics, alienage,

citizenship status, marital status, status as a Vietnam era veteran, national origin, age, handicap, disability, or any other characteristic protected by federal, state and/or local law, or if you believe that you have been retaliated against for complaining about discrimination or participating in an investigation, it is *your* responsibility as an employee to utilize the complaint procedure established in this Policy for the purposes of preventing and correcting this unacceptable workplace behavior

SEXUAL HARRASSMENT POLICY

POLICY:

It is the policy of the City to maintain a working environment that is free from all forms of discrimination, including sexual harassment. It is against the policy of the City of New Carrollton, and illegal under state and federal law, for any employee or elected official, appointed official, committee member, or volunteer, male or female, to sexually harass another employee, elected official, appointed official, committee member or volunteer.

SECTION:

- B-301 Definition of Sexual Harassment
- B-302 Covered Employees
- B-303 Procedures for Reporting Sexual Harassment
- B-304 Appeal
- B-305 Notifications
- B-306 Employee Responsibility
- B-307 Definitions

SECTION B-301, Definition of Sexual Harassment.

- A. Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
 2. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual;
 3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- B. Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:
1. Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
 2. Touching or grabbing a sexual part of an employee's body;

3. Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome;
 4. Continuing to ask an employee to socialize on or off-duty when that person has indicated that she or s/he is not interested;
 5. Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
 6. Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
 7. Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior.
 8. Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
 9. Retaliation of any kind for having filed or supported a complaint of sexual harassment (such as, but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties or work environment, etc.);
 10. Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
 11. Harassing acts or behavior directed against a person on the basis of an employee's sex or sexual orientation;
 12. Off-duty conduct that falls within the above definition and affects the work environment.
- C. Sexual harassment can also consist of intimidating, abusive or hostile behavior of a nonsexual nature toward an employee on the basis of gender. Verbal abuse and hostility that is not sexual in character but is directed solely at females because they are female or, a male because they are male is likewise a violation of this Policy on the same level as harassment of a sexual nature.
- D. Sexual harassment can also take the form of offensive conduct by non-employees, such as vendors, outside contractors, and the like, against employees in the workplace, elected officials, appointed officials, committee members and volunteers.

SECTION B-302, Covered Employees.

This sexual harassment policy applies to all employees of the City of New Carrollton, including, but not limited to, full and part-time employees, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, on or off-duty, employees harassing another city employee on or off-duty, employees working under contract for the city, employees harassing non-employees while the employee is on duty or in city uniform, elected officials, appointed officials, committee members and volunteers.

SECTION B-303, Procedures for Reporting Sexual Harassment.

A. Any employee who feels subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels comfortable. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor;
2. The employee's department head;
3. City Human Resources Department
4. The Mayor;
5. The City Attorney.

B. Although employees are encouraged to try to resolve disputes with the help of their immediate supervisor, employees have the right to circumvent the chain of command in selecting the person to whom to make a complaint of sexual harassment.

C. The employee should be prepared to provide the following information to the individual to whom a complaint of sexual harassment is made:

1. The employee's name, department and position title;
2. The name of the person committing the sexual harassment, including person's title, if known;
3. The specific nature of the sexual harassment, its duration, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. Any witnesses to the harassment;
5. Whether the employee has previously reported such harassment and, if so, when and to whom.

- D. The filing of a bona fide complaint or otherwise reporting sexual harassment will not adversely affect the individual's employment status or future terms and conditions of employment.

SECTION B-304, Appeal.

Any individual aggrieved with the investigation, findings, or remedies pursuant to this Policy may assert any right of appeal contained in the applicable collective bargaining agreements or State Department of Human Resources rules and regulations, if appropriate, file a complaint with the State [Division on Civil Rights], or pursue any other civil remedy.

SECTION B-305, Notifications.

This Policy will be incorporated with the employee personnel policy, and every employee shall be required to certify that they have received a copy. This certification shall be maintained in each employee's personnel file. The Policy shall also be permanently placed on employee bulletin boards in every Department. It shall be a violation of this Policy to remove the Policy from any bulletin board or deface this Policy in any manner. Mandatory training sessions on this Policy and the prevention of sexual harassment shall be held wherever possible for all personnel during appropriate in-service training programs and orientation sessions.

SECTION B-306, Employee Responsibility.

- A. It is the duty of all employees, including supervisory personnel, and all groups of individuals referred to in Section B- 302 to be familiar with this Policy. Each employee has a stake in preventing sexual harassment and thus shares responsibility with the Department Head in eliminating sexual harassment in the workplace.
- B. No employee shall, in any way, retaliate, harass or discriminate against a person making a complaint of sexual harassment or involved as a witness or otherwise with a complaint of sexual harassment.
- C. In most cases in which the sexual harassment is committed by a non-employee against a City employee in the workplace, the Department Head shall take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end.
- D. Employees are not only encouraged to report instances of sexual harassment; they are obligated to report instances of sexual harassment. Sexual harassment exposes the City to liability, and part of each employee's job is to reduce the City's exposure to liability.

- E. Employees are obligated to cooperate in every investigation of sexual harassment. The obligation includes, but is not necessarily limited to:
 - 1. Coming forward with evidence, both favorable and unfavorable concerning a person accused of sexual harassment;
 - 2. Fully and truthfully making a written report under oath upon request;
 - 3. Orally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.
- F. Employees are also obligated to refrain from making accusations of sexual harassment in bad faith.
- G. Disciplinary action may be taken against any employee who fails to report instances of sexual harassment, or who fails, or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

SECTION B-307. Definitions.

Department Head: is defined as The City Administrative Officer, Chief of Police, or The Public Works Director

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DRUG & ALCOHOL POLICY

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CITY OF NEW CARROLLTON DRUG AND ALCOHOL ABUSE POLICY

POLICY

The City of New Carrollton has a concern for the safety, health, and well-being of its employees. Consumption of alcoholic beverages and/or illegal substances by any employee presents a vital safety problem, as well as impairing judgment and ability to perform duties at full efficient capacity.

The City will not tolerate drugs or alcohol abuse by employees while on duty or on City property. All employees are responsible for knowing and adhering to the requirements of this policy; therefore, the City has established the following Drug-Free Workplace Policy:

A. APPLICATIVE:

1. Public Works Department mandatory random screening for drugs and/or alcohol shall apply to all employees who hold Class A or Class B Certified Drivers License (CDL), all employees who operate or work with any type of powered equipment as part of their daily work routine, all employees who utilize City vehicles as part of their daily work routine and employees who are required to routinely lift heavy loads as part of their daily work functions.
2. Administrative Department mandatory random screening for drugs and/or alcohol shall apply to all Police Department and Code Enforcement officers and all full-time/ part-time administrative personnel who are authorized to utilize City vehicles.
3. Mandatory pre-employment physical examinations and illegal substance testing will be required for all job applicants prior to their final appointment. The City will not hire anyone who is known to currently use illegal drugs or abuse controlled substances.
4. The Mayor with the department heads, and/or the department head with supervisor, reserve the right to request drug screening of any City employee who appears to be under the influence of illegal drugs or alcohol. Whenever an employee appears to be impaired because of substance abuse, a trained supervisor is responsible for immediately investigating the matter and initiating action consistent with the City's Personnel Policy Statement (see D.3. Procedures).

B. GENERAL:

1. Employees will not use, possess, or sell alcoholic beverages or controlled dangerous substances or be under the influence of illegal drugs or alcohol while on duty or on City property. Any employee found to be in violation of this policy will subject to immediate disciplinary measures as stated per paragraph (G) Disciplinary Rules and the City Personnel Policy.
2. In order to ensure the accuracy of drug and alcohol screen test results, tests will be conducted in Maryland by a laboratory that is certified by the State. If the result is positive, a certified copy of the positive drug test result, either in person or by certified mail will be given to the employee. The employee and/or job applicant has the right to request an independent testing of the same urine or blood sample to confirm the finding, provided the employee is willing to pay for the test. The testing laboratory must be State certified.
3. Any employee involved in an incident/accident or injury will be required to submit to a mandatory drug screening and/or blood alcohol level test. If the result is positive, a certified copy of the Positive drug test result, either in person or by certified mail will be given to the employee. The employee and/or job applicant has the right to request an independent testing of the same urine sample to confirm the finding, provided the employee and/or job applicant is willing to pay for the test. The testing laboratory must be State certified.
4. The Mayor with the department heads, and/or department head with supervisor, reserve the right to conduct searches or inspections of property assigned to an employee whenever there is reasonable grounds for suspecting that the search will result in evidence of a violation of this policy. Such searches and inspections may include, but are not limited to, an employee's locker(s), desk, city assigned vehicles or other city assigned property. Such searches or inspections are required conditions for continued employment.
5. Employees and/or job applicants required to use drugs prescribed by a licensed physician are responsible for knowing any potential effect such drugs may have on the performance of their duties. Employees and/or job applicants should report the use of prescribed medication with known adverse side effects, which could affect job performance, to their supervisors before commencing work.

C. LEGAL ISSUES:

1. Employees convicted for illegal drug involvement would be considered to be in violation of the City's substance abuse policy. The employee has five (5) calendar days after conviction to notify his/her department head of the conviction.
2. Where available evidence warrants, City officials will bring matters of illegal drug or alcohol use to the attention of appropriate law enforcement authorities.
3. When a City employee is convicted of a felony drug offense that occurred in the workplace, the department head shall notify the Department of Housing and Community Development (DHCD) in writing, within ten (10) calendar days after receiving notice of the employee's conviction, should the City be a recipient of grant funding from HCD. The notice will include the employee's name, position title, and grant identification number/program year.
4. As required by Federal Regulations & DOT Regulations the City will be testing for the presence of the following drugs:

Alcohol	Cocaine
Amphetamines	Opiates
Canabinoids (Marijuana)	Phencyclidine

D. PROCEDURES:

1. A written notice of this drug and alcohol testing policy shall be provided to all employees and job applicants. No testing will take place until at least 30 days after notice of the existence of this policy and procedures has been disclosed.
2. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know.
The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug testing policies.
3. Whenever an employee appears to be impaired because of illegal substance abuse, the Mayor and/or department heads reserve the right to have a trained supervisor immediately investigate the matter and have the employee taken for a drug/alcohol test.

It is the responsibility of the supervisor to clearly document in a detailed report, the incident noting all actions, observations, statements and other pertinent facts (i.e., date, time of day, location, any witness to the incident).

When an employee is taken for a drug/alcohol test because he or she appears to be impaired, that employee shall be placed on administrative leave until confirmation of test results. If test results are positive the employee will be charged annual leave, sick leave, or leave without pay (LWOP) for the administrative leave provided.

4. If an employee who appears to be impaired agrees to submit to an alcohol/drug test, it is the responsibility of the supervisor to arrange to transport the employee to the laboratory for testing. The employee to be tested shall not be permitted to drive to the facility. If an employee needs to be taken for a drug/alcohol test after normal business hours (i.e., 3:30 p.m./5:00 p.m. or after), the employee should be taken to the nearest hospital emergency room.
5. An employee who refuses to consent to a drug and/or alcohol test shall have his/her employment terminated. A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the City.
6. If an employee refuses to consent to a drug/alcohol test upon returning to regular duties, whose absence was caused by a disciplinary action as a result of being tested positive for drug(s) and/or alcohol, the employee shall have their or her employment terminated.
7. The City will provide supervisory training and materials for all supervisors. Training will consist of, but not be limited to, identifying specific drug(s) and alcohol reaction phenomena. In addition, training will include sensitivity to the need to maintain respect and privacy.
8. An employee found to be impaired by the use of an illegal substance and who cooperates with his/her supervisor and submits to a blood and/or urine test, can seek referral assistance through the City's Employee Assistance Program.
9. Any employee found to be in violation of these regulations shall be subject to disciplinary action, including termination, in accordance with the provisions of the City Personnel Policy Statement.

E. REHABILITATION:

1. There will be no entitlement to back pay for any employee enrolled in the Employee Assistance Program (EAP).
2. Participants will be entitled to use sick leave, vacation time or leave of absence without pay for periods up to ninety calendar days for EAP participation.
3. Participants continuously enrolled in the EAP for ninety consecutive calendar days, who cannot fulfill the job requirements for which they were hired and who have been placed in a lower paying position because of EAP treatment, that employee's pay shall be adjusted to the position he/she is assigned, commencing on the ninety first day.
4. Participants who are continuously enrolled in the EAP and who on the ninety first day cannot assume full job responsibilities for the position he/she is holding will be placed in a lower paying position, if possible, or if not, placed in lay off status in accordance to the City's Personnel Policies.
5. Participants who have been released from the EAP to assume regular duties within the ninety calendar days, shall be reassigned to the position he/she held prior to entering EAP.
6. EAP participants will continue to accrue benefits (such as leave, sick leave, retirement, etc.).

F. EMPLOYEE ASSISTANCE PROGRAM (EAP) ELIGIBILITY:

1. Employees with alcohol or drug related problems may voluntarily request assistance through the Employee Assistance Program (EAP).
2. The City will limit the number of times an employee may avail her/himself of the Employee Assistance Program (EAP); however, an employee may be disqualified after, upon appropriate medical advice, that rehabilitation is not likely to be successful.
3. Employees subjected to termination and/or disciplinary actions as stated in subparagraphs D.5 and D.6. can not request to participate in the Employee Assistance Program (EAP) as a means of preserving employment.

G. DISCIPLINARY RULES:

1. Sale of alcohol or drugs while on duty or on City property is a felony and will be treated accordingly.

2. Ingestion of alcohol or illegal drugs while on duty or before reporting for duty:
 - a) First Offense: Ten (10) day suspension without pay, Employee Assistance Program (EAP) mandatory. Employee must enroll in the EAP within five (5) days. Failure to enroll in the EAP will result in employment termination. Minimum of three random drug/alcohol screens in the first twelve (12) months.
 - b) Second Offense: A positive drug/alcohol test will result in employment termination.
3. If involved in an accident or incident while under the influence of alcohol or illegal drugs while on duty:
 - a) Pending confirmation of drug/alcohol test results, an employee will be placed on administrative leave. Employees having negative drug/alcohol test results shall immediately be notified to assume regular duties.
 - b) Confirmation of a positive drug/alcohol test shall result in employment termination.

H. DEFINITIONS

The following definitions pertain to this policy:

- a. **"Accident"** Means while being on duty for the City the individual is involved in an accident resulting in bodily injury, damage to City or private property, including, but not limited to City vehicles and other equipment.
- b. **"Abuse"** Means any use of any illegal drug, or any use of any drug, including alcohol, over the counter, or prescription drugs where use is not in conformance with prescription requirements, or circumstances where use is not permitted.
- c. **"Alcohol"** Means ethyl alcohol or ethanol.
- d. **"Applicant"** Any person requesting employment with the City.
- e. **"City"** The City of New Carrollton Maryland
- f. **"Department Heads"** Means Administrative Officer, Chief of Police and Public Works Director.

- g. **"Distribution"** Means to deliver, hand-out, or divide.
- h. **"Drug"** Means any substance taken into the body, other than alcohol, which may impair one's mental faculties and/or physical performance.
- i. **"Employee"** Any person who is presently employed by the City.
- j. **"Employee Assistance Program"** (EAP) is a program which provides professional referral service to employees who are experiencing personal problems that may impact upon job performance.
- k. **"Drug/Alcohol Test"** urinalysis conducted by a State certified laboratory that is pre-selected by the City. The laboratory controls and directs the collection and submission of urine samples. A positive result from urinalysis means that an Intoxicant was present at or above Stipulated Minimum Levels in Urine; a negative result means that an Intoxicant was not present at or above Stipulated Minimum Levels in urine. Blood test may also be used to detect impairment. Appropriate procedures will be established to maintain a strict chain of protection and to maintain confidentiality of test results.
- l. **"Fitness for Duty"** Mental and physical ability to perform assigned duties free of alcohol or illegal substances.
- m. **"Heavy Lifting"** Physical strength and ability to lift/carry weight exceeding fifty (50) pounds.
- n. **"Impaired"** Means under the influence of a substance while on the job such that an employee's motor senses (i.e., sight, speech, hearing, balance, coordination, reaction, reflex) or judgement are adversely affected.
- o. **"Incident"** An occurrence involving one or more employees including but not limited to the following:
 - 1. Altercation on or about City property or job sites.
 - 2. Accident on or about City property or job sites involving a bodily injury to an employee or bystander.
 - 3. Possession of any intoxicant on or about City property or job sites.
 - 4. Accident on or about City property or job sites involving damage to City or private property, including, but not limited to, City vehicles and other equipment.

- p. **"Mayor"** Elected official to act as chief executive for the City.
- q. **"Possession"** Means to have a controlled dangerous substance either on or in an employee's person, personal effects, motor vehicle, tools, or areas substantially entrusted to the control of the employee such as lockers, desks, files, etc..
- r. **"Random Testing"** Unannounced testing.
- s. **"Sale"** Means to transfer from one person to another in return for money.
- t. **"Substance"** Is a controlled dangerous substance, alcohol, or other substance which impairs a person's normal ability and/or judgement.
- u. **"Substance Abuse"** Means the use of a substance which impairs, while on the job a person's normal ability and/or judgement.
- v. **"Supervisor"** Means an employee assigned to a position having day-to-day responsibility for supervising subordinates, or who is responsible for directing work element.

Approximate Residual Periods for Drugs and Alcohol in the Blood Stream

ALCOHOL:

Blood (Peak - 40 Minutes)	7 - 10 Hours (Blood)
Urine (Peak - 3 Hours)	10 -13 Hours (Urine)

AMPHETAMINES:	48 Hours
COCAINE:	2 - 4 Days
MARIJUANA:	3 - 10 Days (Occ.users).
OPIATES:	
HEROIN	2 Days
MORPHINE	2 Days
CODEINE	2 Days
PHENCYCLIDINE: (PCP)	8 Days

BLOODBORNE PATHOGENS PLAN

OSHA 3186-06R 2003 - Exposure Control Plan

The City of New Carrollton is committed to providing a safe and healthful work environment for our entire staff. In pursuit of this goal, the following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to blood borne pathogens in accordance with OSHA standard 29 CFR 1910.1030, "Occupational Exposure to Blood borne Pathogens." The ECP is a key document to assist our organization in implementing and ensuring compliance with the standard, thereby protecting our employees. This ECP includes:

- Determination of employee exposure
- Implementation of various methods of exposure control, including:
 - Universal Precautions
 - Work practice controls
 - Personal protective equipment
 - Housekeeping
 - Hepatitis B vaccination
 - Post-exposure evaluation and follow-up
 - Communication of hazards to employees and training
 - Recordkeeping
 - Procedures for evaluating circumstances surrounding exposure incidents
- Implementation methods for these elements of the standard are discussed in the subsequent pages of this ECP.

PROGRAM ADMINISTRATION

- The City Administrative Officer (Administrative Officer) is responsible for: Implementation of the ECP. The Administrative Officer will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures.
- Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.
- The Public Works Director will provide and maintain all necessary personal protective equipment (PPE) and appropriate engineering controls for the Public Works employees and the Administrative Officer will provide and maintain all necessary personal protective equipment and appropriate engineering controls for the Administrative Department employees as required by the standard. The Public Works Director and the Administrative Officer will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes.

- The Administrative Officer will be responsible for ensuring that all medical actions required by the standard are performed and that appropriate employee health and OSHA records are maintained.
- The Administrative Officer will be responsible for training, documentation of training, and making the written ECP available to employees, OSHA, and NIOSH representatives.

EMPLOYEE EXPOSURE DETERMINATION

The following is a list of all job classifications at our establishment in which all employees have occupational exposure:

Job Title /Department/Location

Sanitation Department & Litter Patrol/ Public Works
 Streets Department/ Public Works
 Parks Department/ Public Works
 Police Officers (All Sworn)/ Police Department
 Code Enforcement Officers/ Administration
 Custodians/ Public Works & Administration
 Animal Control & Parking Enforcement/ Police Department

The following is a list of job classifications in which some employees at our establishment may have occupational exposure. Occupational exposure may occur for these individuals in the event they are required by circumstances to perform first aid in the course of their employment:

Job Title Department/Location Task/Procedure

Remaining Public Works, Police, and Administration personnel not included in the Departments specified above.

METHODS OF IMPLEMENTATION AND CONTROL

Universal Precautions

All employees will utilize universal precautions, including appropriate work practices designed to minimize exposure.

Exposure Control Plan

Employees covered by the blood borne pathogens standard receive an explanation of this ECP during their initial training session. It will also be reviewed in their annual refresher training. All employees can review this plan at any time during their work shifts by contacting the Administrative Officer, Chief of Police or Public Works Director. If requested, we will provide an employee with a copy of the ECP free of charge and within 1 day of the request.

The Administrative Officer is responsible for reviewing and updating the ECP annually or more frequently if necessary to reflect any new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

Engineering Controls and Work Practices

Engineering controls and work practices will be used to prevent or minimize exposure to blood borne pathogens. The specific engineering controls and work practice controls used are listed below:

- Covered containers for the disposal of glass and metal objects.
- Safety covers/guards on all pinch points, conveyors and moving parts on Sanitation trucks and heavy equipment.
- Personal Protective Equipment

The City identifies the need for changes in engineering controls and work practices through employee interviews and Safety Committee input. We evaluate new procedures and new products regularly by literature reviewed and supplier info. Both workers and management officials are involved in this process.

The Administrative Officer, Chief of Police, and the Public Works Director are responsible for ensuring that these recommendations are implemented.

Personal Protective Equipment (PPE)

PPE is provided to our employees at no cost to them. Training in the use of the appropriate PPE for specific tasks or procedures is provided by the Public Works Director, Chief of Police, or the Administrative Officer, as appropriate.

The types of PPE available to employees are as follows: gloves, eye protection, work shoes/boots, hard hats, and all may be obtained through the Public Works Director.

All employees using PPE must observe the following precautions:

1. Wash hands immediately or as soon as feasible after removing gloves or other PPE.
2. Remove PPE after it becomes contaminated and before leaving the work area.
3. Used PPE may be disposed of in designated waste containers.
4. Wear appropriate gloves when it is reasonably anticipated that there may be hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces; replace gloves if torn, punctured or contaminated, or if their ability to function as a barrier is compromised.

5. Utility gloves may be decontaminated for reuse if their integrity is not compromised; discard utility gloves if they show signs of cracking, peeling, tearing, puncturing, or deterioration.
6. Never wash or decontaminate disposable gloves for reuse.
7. Wear appropriate face and eye protection when splashes, sprays, spatters, or droplets of blood or OPIM pose a hazard to the eye, nose, or mouth.
8. Remove immediately or as soon as feasible any garment contaminated by blood or OPIM, in such a way as to avoid contact with the outer surface.
9. The procedure for handling used PPE is as follows: Place in designated waste container or closable plastic bag for disposal.

Housekeeping

Any contaminated waste is to be placed in containers which are closable, constructed to contain all contents and prevent leakage, appropriately color-coded and closed prior to removal to prevent spillage or protrusion of contents during handling.

HEPATITIS B VACCINATION

The City Administrative Officer will provide training to employees on hepatitis B vaccinations, addressing safety, benefits, efficacy, methods of administration, and availability. The hepatitis B vaccination series is available at no cost after initial employee training and within 10 days of initial assignment to all employees identified in the exposure determination section of this plan.

Vaccination is encouraged unless: 1) documentation exists that the employee has previously received the series; 2) antibody testing reveals that the employee is immune; or 3) medical evaluation shows that vaccination is contraindicated. However, if an employee declines the vaccination, the employee must sign a declination form. Employees who decline may request and obtain the vaccination at a later date at no cost. Documentation of refusal of the vaccination is kept in the employee's personnel file.

Vaccination will be provided by:

Occupational Medical Services
7933 Belle Point Drive, Greenbelt, MD 20770
P: (301) 220-1191, F: (301) 220-2291
Hours: M – F 8:00am – 4:30pm

Following the medical evaluation, a copy of the health care professional's written opinion will be obtained and provided to the employee within 15 days of the completion of the

evaluation. It will be limited to whether the employee requires the hepatitis vaccine and whether the vaccine was administered.

POST-EXPOSURE EVALUATION AND FOLLOW-UP

Should an exposure incident occur, contact the Administrative Officer, Chief of Police, or Public Works Director, as appropriate. An immediately available confidential medical evaluation and follow-up will be conducted by Occupational Medical Services.

Following initial first aid (clean the wound, flush eyes or other mucous membrane, etc.), the following activities will be performed:

1. Document the routes of exposure and how the exposure occurred.
2. Identify and document the source individual (unless the employer can establish that identification is infeasible or prohibited by state or local law).
3. Obtain consent and make arrangements to have the source individual tested as soon as possible to determine HIV, HCV, and HBV infectivity; document that the source individual's test results were conveyed to the employee's health care provider.
4. If the source individual is already known to be HIV, HCV and/or HBV positive, new testing need not be performed.
5. Assure that the exposed employee is provided with the source individual's test results and with information about applicable disclosure laws and regulations concerning the identity and infectious status of the source individual (e.g., laws protecting confidentiality).
6. After obtaining consent, have exposed employee's blood collected as soon as feasible after exposure incident, and test blood for HBV and HIV serological status
7. If the employee does not give consent for HIV serological testing during collection of blood for baseline testing, preserve the baseline blood sample for at least 90 days; if the exposed employee elects to have the baseline sample tested during this waiting period, perform testing as soon as feasible.

ADMINISTRATION OF POST-EXPOSURE EVALUATION AND FOLLOW-UP

The Administrative Officer is responsible to ensure that the healthcare professional(s) responsible for employee's hepatitis B vaccination and post-exposure evaluation and follow-up are given a copy of OSHA's blood borne pathogens standard.

The Administrative Officer ensures that the health care professional evaluating an employee after an exposure incident receives the following:

1. a description of the employee's job duties relevant to the exposure incident
2. route(s) of exposure
3. circumstances of exposure
4. if possible, results of the source individual's blood test

5. relevant employee medical records, including vaccination status

The Administrative Officer provides the employee with a copy of the evaluating health care professional's written opinion within 15 days after completion of the evaluation.

PROCEDURES FOR EVALUATING THE CIRCUMSTANCES SURROUNDING AN EXPOSURE INCIDENT

The Administrative Officer, Chief of Police, or the Public Works Director will review the circumstances of all exposure incidents to determine:

1. engineering controls in use at the time
2. work practices followed
3. a description of the device being used (including type and brand)
4. protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc.)
5. location of the incident
6. procedure being performed when the incident occurred
7. employee's training

If revisions to this ECP are necessary, the Administrative Officer will ensure that appropriate changes are made. (Changes may include an evaluation of safer devices, adding employees to the exposure determination list, etc.)

EMPLOYEE TRAINING

All employees who have occupational exposure to blood borne pathogens receive initial and annual training conducted by the Administrative Officer. This training should cover the following:

- an explanation of our ECP and how to obtain a copy
- an explanation of methods to recognize tasks and other activities that may involve exposure to blood and OPIM, including what constitutes an exposure incident
- an explanation of the use and limitations of engineering controls, work practices, and PPE
- an explanation of the types, uses, location, removal, handling, and disposal of PPE
- an explanation of the basis for PPE selection
- information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine will be offered free of charge

- information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM
- an explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available
- information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident
- an explanation of the color coding required by the standard and used at this facility
- an opportunity for interactive questions and answers with the person conducting the training session.

Training materials for this facility are available at City Hall.

RECORDKEEPING

Training Records

Training records are completed for each employee upon completion of training. These documents will be kept for at least three years at City Hall.

The training records include:

- the dates of the training sessions
- the contents or a summary of the training sessions
- the names and qualifications of persons conducting the training
- the names and job titles of all persons attending the training sessions

Employee training records are provided upon request to the employee or the employee's authorized representative within 15 working days. Such requests should be addressed to the Administrative Officer and/or Chief of Police.

Medical Records

Medical records are maintained for each employee with occupational exposure in accordance with 29 CFR 1910.1020, "Access to Employee Exposure and Medical Records."

The City's Human Resources Director is responsible for maintenance of the required medical records. These confidential records are kept in City Hall for at least the duration of employment plus 30 years.

Employee medical records are provided upon request of the employee or to anyone having written consent of the employee within 15 working days. Such requests should be sent to Human Resources Department, City of New Carrollton, 6016 Princess Garden Parkway, New Carrollton, MD 20784.

OSHA Recordkeeping

An exposure incident is evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 CFR 1904). This determination and the recording activities are done by the City Administrative Officer.



COMMUNICATION MEDIA POLICY

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The statements contained in this policy are guidelines and summaries. They do not bind the City of New Carrollton. The City reserves the right to change, revoke or make exceptions to city policies at any time and at its sole discretion.

1.0 PURPOSE AND SCOPE

As described in detail below, this policy provides guidelines for the use of City-provided communication media, as well as City-owned computer hardware, software and portable media.

The primary purpose of all City-provided communication media described is to conduct City business. Though a limited amount of personal use is anticipated, employees must use their good judgment in restricting that use before it becomes excessive. Personal use becomes excessive when it: (1) interferes with personal or team performance; (2) results in undue expense to City; (3) interferes or disrupts City use; or interferes with the operation or security of the City's computers or other communication equipment or software.

Misuse of any City-provided communication media, computer hardware, software and portable media is prohibited. Specifically prohibited uses include messages that are offensive, defamatory, threatening, harassing or inconsistent with the city's policies regarding equal opportunity, harassment (sexual or otherwise), protection of proprietary information or solicitation.

The City reserves the right to monitor, access, and use or disclose messages created, received or delivered using City provided communication tools.

The City's Administration and contracted computer services staff will ensure compliance with this policy in conjunction with management.

2.0 EXPLANATION OF KEY TERMS

2.1 Federal Copyright Act of 1976

U.S. copyright law protects original, tangible expressions, usually for 50 years beyond the creator's lifetime. This law was amended in 1980 to include computer programs.

2.2 File Server

A computer or device on a network that manages network resources and is dedicated to storing files. Any user, with appropriate network permission level can store files on the server. Servers are often dedicated, meaning that they perform no other tasks besides their server tasks. On multiprocessing operating systems, however, a single computer can execute several programs at once. A server in this case could refer to the program that is managing resources rather than the entire computer.

2.3 Hardware

The parts of a computer system that you can touch. Examples of hardware are input devices like keyboards and mice, output devices like printers and monitors, storage devices like disk drives, and the computer itself.

2.4 License Agreement

Allowing an individual or group to use a piece of software requires a licensing agreement. Nearly all applications are licensed rather than sold. Some are based on the number of machines on which the licensed program can run while others are based on the number of users that can use the program. There are some computer software licenses that allow you to run the program on only one machine and to make a copy of the software only for backup purposes. Some licenses also allow you to run the program on different computers as long as you do not use the copies simultaneously.

2.5 Local-Area-Network (LAN)

A computer network that spans a relatively small area. Most LANs are confined to a single building or group of buildings. However, one LAN can be connected to other LANs over any distance via telephone lines and radio waves. A system of LANs connected in this way is called a wide-area network (WAN).

Most LANs connect workstations and personal computers. Each node (individual computer) in a LAN has its own CPU with which it executes programs, but it is also able to access data and devices anywhere on the LAN. This means that many users can share expensive devices, such as laser printers, as well as data.

2.6 Portable Media Storage

Extension of a hard drive which can store information on a variety of media including, but not limited to, thumb drives, floppies, DVD's, CD's, memory sticks, and PDA's (i.e., Palm Pilot, I-Pod, etc.).

2.7 Software

Software is the program that runs on a computer. Software is made up of instructions that tell the computer what to do. It is stored on portable media in bits and bytes.

2.8 Thumb Drive

A thumb drive is your digital lockbox, which can store your personal records, digital photos and music. Imagine a USB floppy drive and disk integrated, only more secure, more durable, and at less than one tenth in physical size, packing up to 350 times in capacity. Because a thumb drive does not have any moving parts, it is extremely resistant to vibrations and shocks. Thumb drives act just like your hard drive. You can drag and drop files onto it, create, edit, and delete files.

2.9 Wireless Networking

Wireless networking refers to hardware and software combinations that enable two or more appliances to share data with each other without direct cable connections. Thus, in its widest sense, wireless networking includes cell and satellite phones, pagers, two-way radios, wireless LANs and modems, and Global Positioning Systems (GPS).

2.10 Workstation

Computers that are linked together to form a local-area network (LAN), although they can also be used as stand-alone systems.

2.11 E-mail (“electronic mail”)

The City provides electronic mail, personal calendaring and scheduling capability. This application is available to all desktop and laptop computer users who have City network access.

2.12 File Transfer Protocol (FTP)

A standard protocol for transferring files from one computer to another. Utilized by users to download files.

2.13 Global Positioning System (GPS)

Is a worldwide radio-navigation system formed from a constellation of 24 satellites and their ground stations. GPS uses these "man-made stars" as reference points to calculate positions accurate to a matter of meters. In fact, with advanced forms of GPS you can make measurements to better than a centimeter!

2.14 Internet

"Internet" refers to the global information system that: (i) is logically linked together by a globally unique address space based on the Internet Protocol (IP) or its subsequent extensions/follow-ons; (ii) is able to support communications using the Transmission Control Protocol/Internet Protocol (TCP/IP) suite or its subsequent extensions/follow-ons, and/or other IP-compatible protocols; and (iii) provides, uses or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described above.

The City of New Carrollton is connected to the Internet through computers that access a gateway that allows the exchange of mail messages and files with other locations and networks, which for the purpose of this policy, are considered part of the Internet. For the purpose of this policy, private electronic providers, such as the I-Net, are also considered part of the Internet.

2.15 Internet Relay Chat (IRC) Channels

An Internet capability, which allows two or more people to type messages to each other that almost immediately, appears on the other's computer screens. To join an IRC discussion, an IRC Client is needed, which is a program that runs on the computer and sends and receives messages to and from an IRC server. The IRC server, in turn, is responsible for making sure that all messages are broadcast to everyone participating in a discussion. There can be many discussions going on at once; each one is assigned a unique channel.

2.16 Intranet

A network based on TCP/IP protocols belonging to the City, accessible only by City employees and others with authorization. The City's intranet contains a collection of City-specific documents, pages and/or brochures.

2.17 Voicemail

The City's electronic Voicemail system is integrated with the phone system for communication both inside and outside the organization.

3.0 PROCEDURE

The use of City-provided communication media and the content of information stored in or transmitted via those channels are expected to conform to all City policies and procedures, and to follow the highest standards of personal and business ethics. Unethical use of these channels, or use that violates City policies referenced in Section 4.0, may result in disciplinary action up to and including termination, fees, fines, criminal prosecution, etc.

The City considers e-mail, voicemail, intranet and Internet communication to be City business information and/or documentation, even if access to these communications is undertaken through equipment that is not owned by the City, e.g., if an employee accesses the City's voicemail from home or the City's e-mail or intranet from a home computer or handheld communication device, the communication is still considered City business information. All such communications are property of the City. Privacy is not to be expected using these modes of communication even if password protected. Such passwords are for the City's protection, not for the privacy of employees.

3.1 Communication Tools

Communication Tools, including but not limited to telephones, cellular phones, GPS, personal digital assistants, computers, pagers and voicemail may be provided to employees to enhance routine or emergency operations and assist with job responsibilities. Employees shall use these communication tools primarily to conduct City business.

3.1.1 City Provided Cellular Phones, pagers and PDA's

Cellular phones, pagers and PDA's owned by the City shall be used only for authorized City business as determined by the Department Director and the individual employee's job requirements. The general use of cellular phones, pagers and PDA's shall not be in lieu of more cost effective, practical and available means of communication.

Cellular phones, PDA's and pagers may be used for personal reasons only in an emergency situation when no other immediate means of communication is available to the employee. In such event, the employee may be responsible for reimbursing the City for any charges incurred. If a city owned cellular phone, pager or PDA is lost, damaged or destroyed; the employee may be responsible for the purchase or repair, at the City's sole discretion, of a new cellular phone, pager or PDA.

3.1.2 City Provided Telephone Network

The City telephone network, including City-owned fax and voicemail and other communications equipment, is a public resource and not to be generally used for conducting personal business, except for the de minimis use described in this Section.

The City recognizes that work-related situations, such as the necessity to work unanticipated overtime or family emergencies, may require the use of a city provided telephone or cellular telephone by an employee for personal business. Employees should keep such personal calls brief and to the point.

Regardless of whether City communication tools or personal communication tools are used for the calls, personal telephone calls should be made during non-work time (i.e., breaks, lunch) if possible.

Personal long distance calls, except for those necessitated by unanticipated overtime, shall be billed directly to the employee's home phone number, placed on a personal calling card, or made using the employee's personal cell phone, unless arrangements have been made, in advance, with the department director.

3.1.3 Regular Contact Point for Non-City Business

City provided communication tools shall not be used as a regular contact point for non-City business. For example, an employee listing a car for sale in the newspaper must use a personal home or cellular phone number as the contact number, not the employee's work phone number. Another example would include pages being received by an employee for non-work related business such as stock market updates or sports scores. This would be considered inappropriate use of a city-owned pager.

3.1.4 Communication Transmissions are Not Secure

Employees should use discretion in relaying confidential information, especially when broadcasting utilizing the cellular phone 2-way radio feature. Employees are reminded that transmitting inappropriate comments or jokes via City-provided communication tools at any time, or while using personal communication tools on City time are prohibited.

3.1.5 Security

The City reserves the right to audit all City-owned communication tools and their use, which will include but is not limited to, a review of the monthly billing by the employee's supervisor and/or Finance Director.

Inappropriate use of City provided communication tools will be addressed with individual employees by their department director or designated supervisor. Discipline may occur, up to and including termination, fees, fines, criminal prosecution, etc.

3.1.6 Use of Communications Tools as Recording Devices.

Use of City-owned communications tools at any time or personal communication tools during working hours as a recording device is prohibited unless consent to record is obtained from all persons present and such consent is included on the recording, except as set forth below. For example, using a City-owned cellular phone to dial voicemail in order to record a live conversation is prohibited except as set forth in this policy. Additionally, use of City-owned communication tools or personal communication tools during working hours to visually record images without the express consent of the person being recorded (if the image includes a person) or the owner of the object being recorded (if the image includes an object) is prohibited except as set forth in this policy.

Notwithstanding the foregoing, use of City-owned communication tools as recording devices is permitted if such use is part of the employee's job, is approved by the employee's supervisor, and is in accordance with applicable law and Departmental policies.

3.1.7 Government Pricing Program

Private phone companies, at their discretion, may allow employees to utilize a government pricing program to obtain a separate personal cell phone number and/or personal cell phone. The employee would be responsible for payment of any expenses incurred directly to the phone company.

3.2 E-mail

E-mail communication is intended to be used for City business purposes.

3.2.1 Employees may not use e-mail for any of the following:

- To promote religious or political causes or campaigns or to promote or distribute information about organizations outside of City government (unless city sponsored i.e., Transformation Foundation),
- To send discriminatory and/or harassing information, jokes or pictures.
- To send or receive e-mails that are time intensive and/or ties up city servers unnecessarily. Examples include chain letters, jokes, etc.

3.2.2 Occasional or Incidental Personal Use of Email

Subject to department policies, occasional or incidental personal use of e-mail is permitted. Examples of incidental and personal use include use to:

- advise employees about upcoming personal events, pizza lunch, secret pal program, etc.
- provide brief and factual information advising others about an employee's vacation, marriage, birth, etc.

The City has the sole discretion to determine if individual or collective use exceeds acceptable levels.

3.2.3 Public Disclosure

Electronic mail can become public through a public disclosure request, except to the extent prohibited by law. Data, including e-mail messages and files can be used as evidence in legal proceedings through electronic discovery. Deleted data can be retrieved from various points on the network including the user's hard drive.

3.2.4 Employer Inspection

By using the email system all users have consented that the employer, at its discretion, may inspect, use, or disclose any electronic mail or other electronic communications and/or data without further notice. However, inspection may not be systematic, and employees are expected to report offensive or inappropriate material.

3.2.5 Delivery to Wrong Person

If an email message is delivered to the wrong person, the recipient should stop reading as soon as he/she realizes the message was not meant for them, and notify the sender immediately. It is impermissible to purposefully read e-mail intended for another person without the express permission of that person.

3.2.6 Changing E-mail Messages

A user, in forwarding a message, which originates from someone else, may not make changes to that message without clearly disclosing the exact nature of the changes and identity of the person who made the changes. If a message has been designated by its originator as confidential or privileged, it may not be forwarded without the written consent of its originator.

3.2.7 Spam Messages Received by Employees

Through no fault of their own, employees may be subjected to spam mail while working at the City. The nature of this mail can range from weight loss and debt elimination information to pornography. These unwanted messages can prove to be a business distraction.

The City has in place a limited filtering system (via outlook) that quarantines messages based on language and content. E-mail messages that are detected by this software are placed in a separate folder for review by the employee before opening, although this does not guarantee that all spam will be caught. Employees should keep the following in mind when accessing their e-mail accounts:

- Do not open messages that do not appear to be business related or are obviously spam.
- Delete messages that are from addresses that do not appear to be business related or obviously spam.
- Do not forward messages that are not business related or are in fact spam.
- Inform City Administration and the contracted computer services staff (Madwolf Technologies) that spam has become an issue, and include frequency and types of spam messages being received.

3.2.8 Sending Messages on Behalf of Another Person.

Employees shall not send messages on behalf of another person without the other person's express consent, and such messages must indicate the name of the actual sender and a notation that the message was sent on behalf of the other person.

3.3 Internet

Access to the Internet has been provided to employees for the benefit of the City and its customers. Employees accessing the Internet are representing the City. The primary purpose of accessing the Internet is to conduct City business. Employees are responsible for using the Internet in an ethical and lawful manner and reporting violations of this policy.

3.3.1 Internet Relay Chat Channels

Internet Relay Chat channels may be used to conduct official City business, or to gain technical or analytical advice regarding City business.

3.3.2 Solicitation

Solicitation of non-City business, or any use of the Internet for personal gain or advancement is prohibited. Use of the Internet is not to disrupt the operation of the City network or the networks of other users; it is not to interfere with employee productivity. Examples of inappropriate use include monitoring auction sites or sports sites and the monitoring, sale and purchase of stock transactions during work hours.

3.3.3 Internet Content

Each employee is responsible for the content of all text, audio or images placed or sent over the Internet by or on behalf of that employee. All messages communicated on the Internet should be attached with an employee name. Users may not attempt to obscure the origin of any message (unless part of a police investigation). Information published on the Internet should not violate or infringe upon the rights of others. Because Internet access is for City business use, employees shall not express their personal opinions using City Internet systems. For example, if the information is something that would not be appropriate to send on City letterhead, it should not be sent out on the Internet.

3.3.4 File Transfer Protocol

Authorized Internet access also provides for file transfer capabilities such as File Transfer Protocol (FTP). Only the contracted computer services staff has the authority to allow employees access to FTP.

3.3.5 Computer Viruses

To prevent computer viruses from being transmitted through the system there will be no unauthorized downloading of any software. All downloaded software must be done with the assistance of the contracted computer services staff and approved by City Administration and/or their Department Supervisor.

3.3.6 Copyrighted Materials

Copyrighted materials belonging to entities other than City may not be transmitted by employees on the Internet. Users are not permitted to copy, transfer, rename, add or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action by the City and/or legal action by the copyright owner.

3.3.7 Security

All messages created, sent or retrieved over the Internet and IRC messages are the property of the City, and should be considered public information. The City reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. Internet messages are public communication and are not private. All communications including text and images can be disclosed to law enforcement, newspapers or other third parties without prior consent of the sender or the receiver.

The above guidelines are not exclusive. Violations of any guidelines listed above or any other situations associated with improper Internet usage, distribution or otherwise may result in disciplinary action up to and including termination, fees, fines, criminal prosecution, etc.

3.4 Anti-Harassment

Harassment of any nature is prohibited. No abusive, threatening, harassing, profane or offensive language should be transmitted through the City's communications systems. No messages with derogatory or inflammatory remarks about an individual or group's race, creed, color, religion, sex, age, national origin, marital status, sexual orientation, disability or whether an individual is a disabled veteran or a veteran of the Vietnam Era or other protected class or status are allowed.

The City will not condone the downloading or printing of inappropriate and unsuitable images other than during the course of an official police investigation. Police employees are required to notify their command staff through their supervisor if accessing sites that would otherwise be prohibited under this policy or applicable law during the course of a police investigation. If employees inadvertently enter an inappropriate site, they should exit the site and advise their supervisor immediately.

3.5 User's Responsibility for Security

Users are responsible for the security of their email and their network account passwords and any email that is sent via their accounts. To protect accounts against unauthorized use, the following precautions should be taken by the user:

- Log off/ Lock account before leaving computer unattended. If the email account is left open and someone else uses it, it will appear as if the user sent the message and the user and the sender will be held accountable.
- Do not give out passwords. Users are responsible for messages sent via their accounts. Users are not allowed to tamper with someone else's account without their knowledge and consent. Unauthorized use of an email account is a violation of policy.
- The contracted computer services staff keeps a master list of all employee passwords. If the employee changes a password, the employee should provide the contracted computer services staff and the employee's supervisor with the new password verbally, not in an email.

3.6 Official Bulletin Board Postings

Items posted on official City bulletin boards (except departmental boards) will be reviewed and approved in advance by the City Administration prior to posting. The City Administration is responsible for approving, monitoring, updating and removing bulletin board items.

3.6.1 Legal Postings

Legal postings are to be located in each building. These postings should be placed on the official City bulletin board. Examples of legal postings include, but are not necessarily limited to, postings related to Equal Opportunity, Fair Labor Standards, Your Rights as a Worker, Building Occupancy Permit, etc.

It is the responsibility of the City Administration to decide on the location(s) of all official bulletin boards. These bulletin boards will be labeled as such. Official bulletin boards are located in the following locations:

- Administration Lunchroom

- Public Works Lunchroom
- Police Lunchroom

3.6.2 Safety Postings

Safety postings are to be located on the official City bulletin boards. Examples of Safety postings include, but are not necessarily limited to, postings relating to job safety and health, Job Injury, employee safety committee, evacuation plans, etc.

It is the responsibility of the Safety Manager or assigned employee at each location, to maintain the Safety Bulletin boards.

3.6.3 Personal Postings

Personal postings may be placed on designated departmental bulletin boards and the bulletin board in the City Hall Lunchroom. Examples of personal postings include birthday announcements, anniversaries, new arrivals, retirement announcements, employee activities and achievements, congratulatory notices, items for sale, and organizational announcements.

It is the responsibility of the City Administrator or their designee to ensure that personal postings are appropriate for a business environment. The Administration will periodically review departmental postings to ensure the subject matter is appropriate. Any inappropriate postings will be removed and the employee informed of such removal.

4.0 COMPUTER EQUIPMENT PROCEDURE

Any user of City-owned computer equipment is expected to conform to all City policies and procedures and to follow the highest standards of personal and business ethics. Any user that violates City policies referenced in this section may result in disciplinary action up to and including termination.

4.1 Software

4.1.1 Computer Software Licensing

It is the policy of the City of New Carrollton to comply with all state and federal regulations governing the use of computer software.

Only legal software shall reside on City-owned computer systems. The City of New Carrollton prohibits any employee from making unauthorized copies of illegal software for either the City's use, for personal (home) use or to be given to some outside third party.

The contracted computer services staff maintains and monitors several site licenses for the file servers and selected software products. If an employee is unsure if a product is legally licensed, they should check with the contracted computer services staff. If during normal service/support activities, non-standard software is found and a license for the software cannot be produced, the software will be considered illegal software. The Contracted computer services staff will remove the illegal software and notify the department manager/supervisor of the policy violation.

4.1.2 Purchasing/Modifying/Installing Computer Software

Since software programs installed on the local hard drive may interact negatively with existing programs (running either from a workstation or a file server) all employees must consult with the Contracted computer services staff before purchasing or installing any software on the workstation. If during normal service/support activities, unapproved software is found on a workstation, the contracted computer services staff will remove the unapproved software and notify the department manager/supervisor of the policy violation. Any software modification or installation on the City's file servers will be modified or installed by the Information Technology personnel/contractor.

4.1.3 Personal Software

If an employee desires to install personally acquired software on their office machine, they must obtain written approval from their manager/supervisor and the contracted computer services staff. A copy of the license agreement must be kept on file with the contracted computer services staff and the City. If during normal service/support activities, unapproved software is found on a workstation, the contracted computer services staff will notify the department manager/supervisor and request that the software be removed.

4.2 Hardware

Since hardware installed on a computer may interact negatively with other hardware or software devices, all employees must consult with the contracted computer services staff before purchasing or installing any hardware on the workstation. If during normal service/support activities, unapproved hardware is found on the workstation, the contracted computer services staff will remove the unapproved hardware and notify the department manager/supervisor of the policy violation. Any hardware purchases or installations on the City's file server will be modified or installed by the Information Technology Contractor.

4.5 Portable Media Storage (“PMS”)

Because any user can come into the office, plug in a USB stick the size of the average keychain and take in/out 1GB of data, it poses a tremendous threat. Users can take confidential data or they can introduce viruses, Trojans, illegal software and more – actions that can affect the network and the City severely.

Due to the high security risk, only authorized employees may utilize PMS for city business. Personal use of PMS on City-owned computers is strictly prohibited. For business use, a request must be made to the department director for the use of PMS and include a valid business reason for such use. The department director will inform the contracted computer services staff of any authorized users within their department.

The City of New Carrollton has invested in network anti-virus software, firewalls, email and web content security. Because of this PMS must be scanned prior to use, especially if the user has used the device on a non City-owned computer prior to using it at the City.